2761 Plumb 2nd Street Rezoning

Environmental Assessment Statement

CEQR Number: 22DCP052K

Prepared by:

Environmental Studies Corp.

Prepared for:

Zaliv, LLC

April 21, 2023`

Contents

EAS Short Form
Maps
Photographs
Supplementary Report
- Project Description 1
- Technical Analyses 5
  - Land Use, Zoning, and Public Policy 6
  - Historic and Cultural Resources 13
  - Urban Design and Visual Resources 14
  - Natural Resources 18
  - Hazardous Materials 23
  - Transportation 27
  - Air Quality 34
  - Noise 39
  - Construction 41

Appendices
- A. Illustrative Architectural Plans
- B. WRP Consistency Documents
- C. Agency Correspondence
- D. Parking Utilization Study
- E. Jamaica Bay Watershed Protection Plan Project Tracking Form

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* 2761 Plumb 2nd Street Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
22DCP052K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
200101ZMK	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Planning Commission			Zaliv, LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Stephanie Shellooe, Director, EARD			Hiram Rothkrug, Environmental Studies Corp.		
ADDRESS 120 Broadway, 31st floor			ADDRESS 55 Water Mill Road		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11021
TELEPHONE 212-720-3328	EMAIL sshellooe@planning.nyc.gov		TELEPHONE 718-343-0026	EMAIL hrothkrug@environmentalstudiescorp.com	

5. *Project Description*

The Applicant, Zaliv, LLC, seeks a Zoning Map Amendment to change the zoning of an area in the Sheepshead Bay neighborhood of Brooklyn CD 15 from C3 to R3-2/C2-3. The rezoning would affect Block 8841, Lots 450 (p/o), 490 (p/o), 500, and 525 (p/o), and Block 8844, Lots 340, 342 (p/o), and 345 (p/o). The two Applicant-owned lots, on opposite sides of Harkness Avenue, are Block 8841, Lot 500 (2761-2777 Plumb 2nd Street); and Block 8844, Lot 340 (1 Plumb 3rd Street). The former is a 37,450 sf lot that is developed with a 15,614 gsf, two-story, 38'-tall building with three eating and drinking establishments (one of which is also engaged in the retail sale of fish and shellfish), plus 79 accessory parking spaces. The latter is a 3,684 sf accessory parking lot providing an additional 17 parking spaces for the commercial establishments at 2761-2777 Plumb 2nd Street. The proposed zoning map amendment would render the existing eating and drinking establishments conforming, as-of-right uses, freeing the Applicant of the need to renew a BSA special permit every five years, and would reduce the accessory parking requirement, which now exceeds what a parking study has shown is the actual demand. No new development, enlargement, or change of use is proposed. For the sake of a conservative CEQR analysis, however, the EAS addresses a scenario under which the existing building would be enlarged so that the lot would be developed to the maximum permitted commercial FAR of 1.00. That would involve the addition of 21, 836 gsf, which would increase the amount of floor area on the site to 37,450 gsf. Block 8844, Lot 340, would continue to provide surface parking for the establishments on Block 8841, Lot 500, as is required by a restrictive declaration that has been recorded against the lot.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 15	STREET ADDRESS 2761 Plumb 2nd St.; 1 Plumb 3rd St.
TAX BLOCK(S) AND LOT(S) Block 8841, Lot 500; Block 8844, Lot 340		ZIP CODE 11235
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS North side of Harkness Ave. east of Plumb 2nd St. and southeast corner of Harkness Ave, and Plumb 3rd St.		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C3		ZONING SECTIONAL MAP NUMBER 29a

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

***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.): 43,500 Waterbody area (sq. ft) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 41,700 Other, describe (sq. ft.): 1,800 unconsolidated rock

8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)
SIZE OF PROJECT TO BE DEVELOPED (gross square feet):
NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 37,450
HEIGHT OF EACH BUILDING (ft.): 38 NUMBER OF STORIES OF EACH BUILDING: 2

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 41,134
The total square feet not owned or controlled by the applicant: 2,360

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: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 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.)		37,450		
Type (*e.g.,* retail, office, school)	units	Restaurants		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 0 NUMBER OF ADDITIONAL WORKERS: 66

Provide a brief explanation of how these numbers were determined: 3 workers per thousand square feet for the addition only

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

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

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

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2024

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 6 months

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

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

☐ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☐ OTHER, specify:

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.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **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.		
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.		
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: Previous marina/boat yard uses at the site, offsite fueling operations and USTs, and fill materials of unknown origin.	☒	☐
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	☐	☒

	YES	NO
involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?		
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(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): 16,566		
○ 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): 4,723,126,800		
(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		
(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		

	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.		
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.		

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
Brian Kintish	April 21, 2023

SIGNATURE *Brian Kintish*

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

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

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

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

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

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

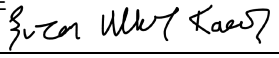
☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission
NAME	DATE
Evren Ulker-Kacar, AICP - Deputy Director	April 21, 2023

SIGNATURE 

NEGATIVE DECLARATION

Statement of No Significant Effect

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

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The proposed actions are a Zoning Map Amendment to rezone Brooklyn Block 8841 Lots 450 (p/o), 490 (p/o), 500, and 525 (p/o) and Block 8844 Lots 340, 342 (p/o), and 345 (p/o) from C3 to R3-2/C2-3. The proposed Zoning Map Amendment is not anticipated to facilitate any new development, however, it would render the longstanding existing commercial uses on Block 8841 Lot 500 as conforming. For the purpose of presenting a conservative CEQR analysis, the EAS analyzes a future With-Action scenario where the existing building would be enlarged to the maximum proposed commercial floor area. The With-Action scenario analyzes a two-story, 38-foot-tall, 37,450 gross square foot (gsf) commercial building with retail and eating and drinking establishments on Block 8841 Lot 500. Under this scenario, the building's height and uses would remain the same, but the building's first and second floors would be enlarged from 15,614 gsf to 37,450 gsf. The Proposed Actions would establish the residential equivalent of the existing C3 zoning and would not introduce a land use that is inconsistent from the surrounding area. The proposed zoning would be compatible with the uses and zoning surrounding area as the proposed district of R3-2/C2-3 is similar to a R3-2/C2-2 district adjacent to the project area and a R3-2/C2-1 district to the west of the project area. The proposed project is within the City's Waterfront Revitalization Program (WRP) boundary and is consistent with the goals of the Waterfront Revitalization Program (WRP #18-046) and other applicable policies. The Proposed action would not result in any significant adverse impacts with respect to land use, zoning, and public policy, and no further analysis is required.

Hazardous Materials

An (E) designation (E-698) related to Hazardous Materials would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Sean J. O'Rourke at sorourke@planning.nyc.gov.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3493
NAME Evren Ulker-Kacar, AICP	DATE 4/21/2023
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 4/24/2023
SIGNATURE	

Project Name: 2761 Plumb 2nd Street Rezoning
CEQR # 22DCP052K
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 8841, Lot 500
Projected Development Site 2	Brooklyn	Block 8844, Lot 340

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-698**) would be established as part of approval of the proposed actions on **Projected Development Site 1** and **Projected Development Site 2** as described below:

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

Hazardous Materials

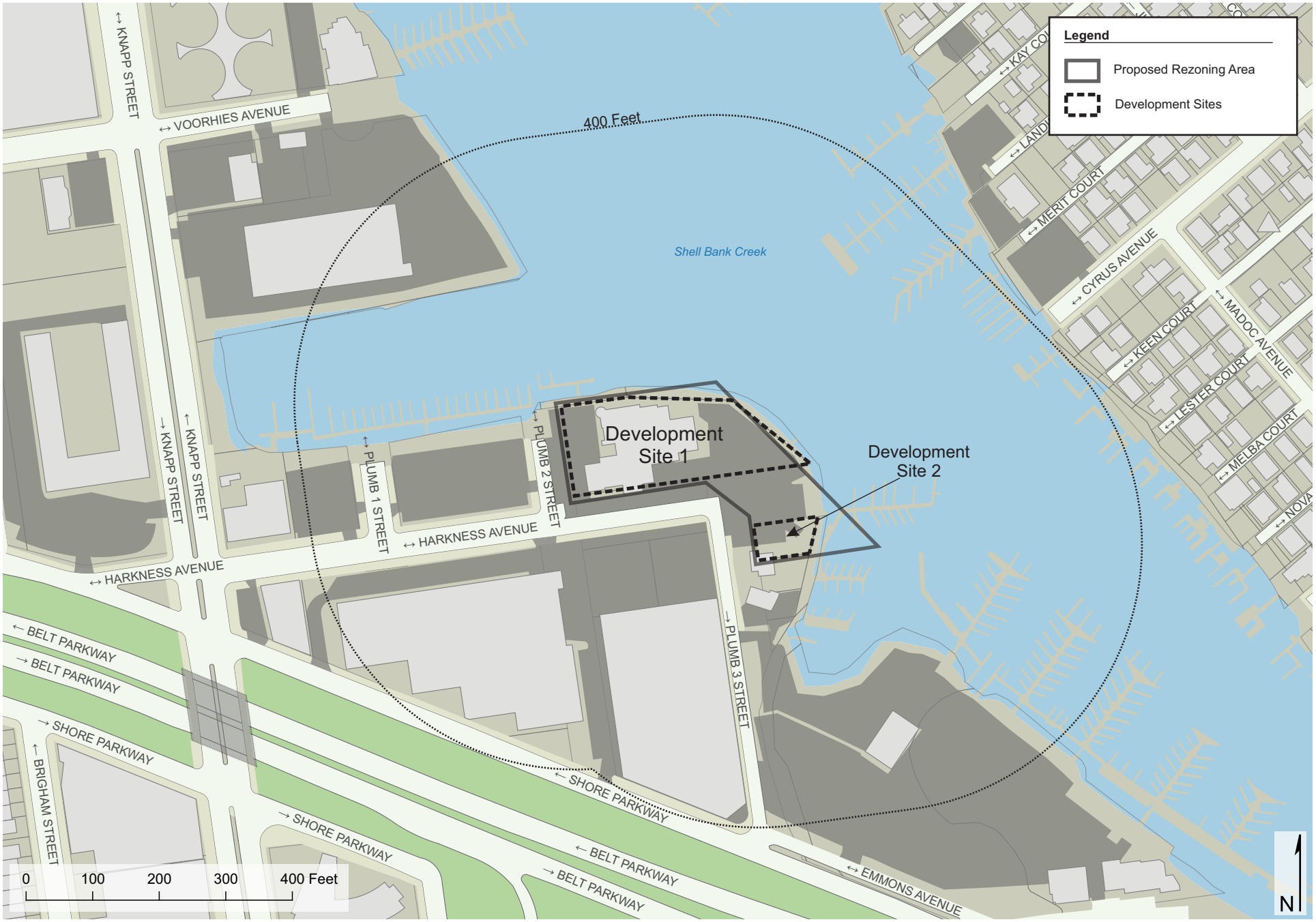
The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

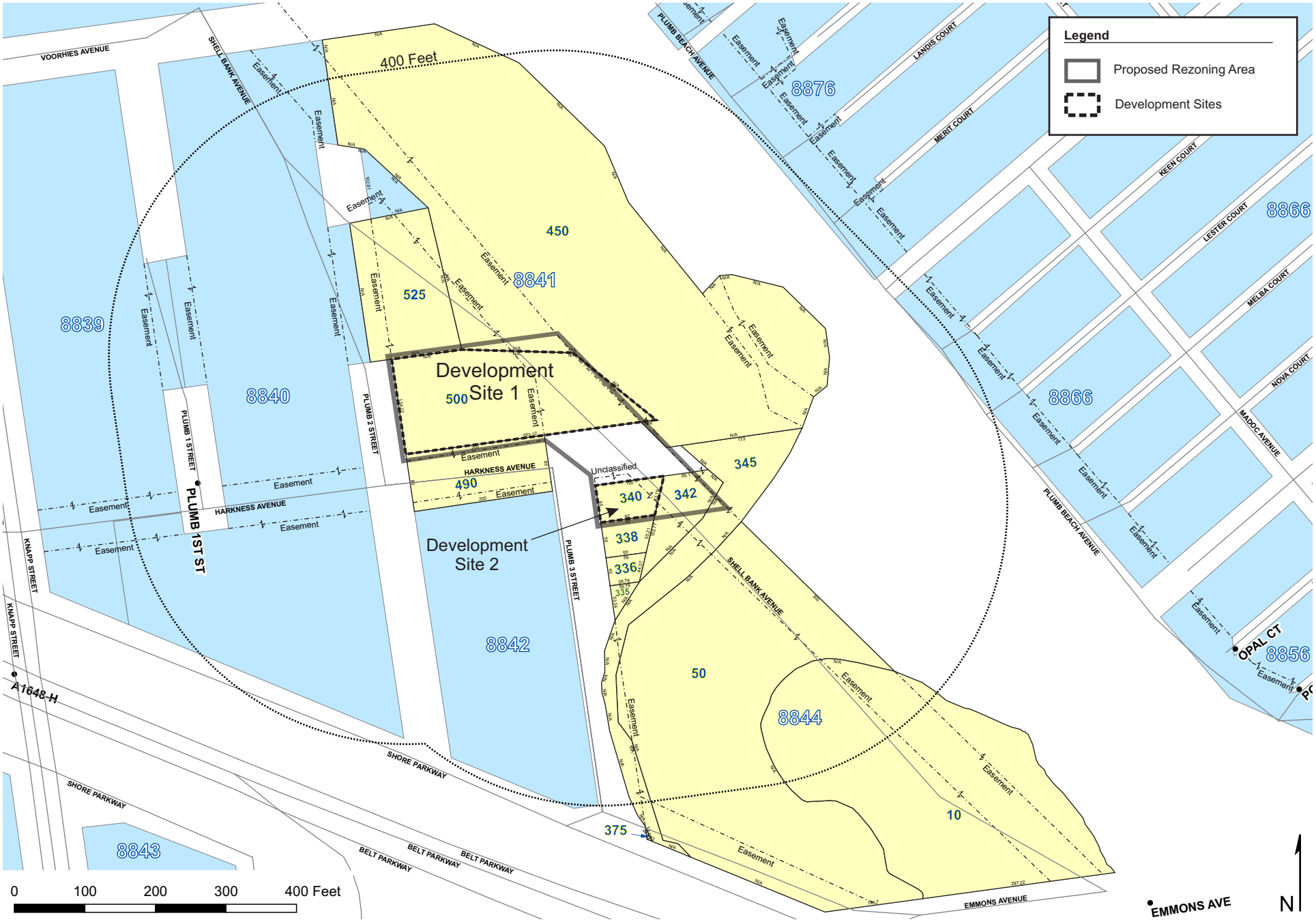
Task 1-Sampling Protocol
The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

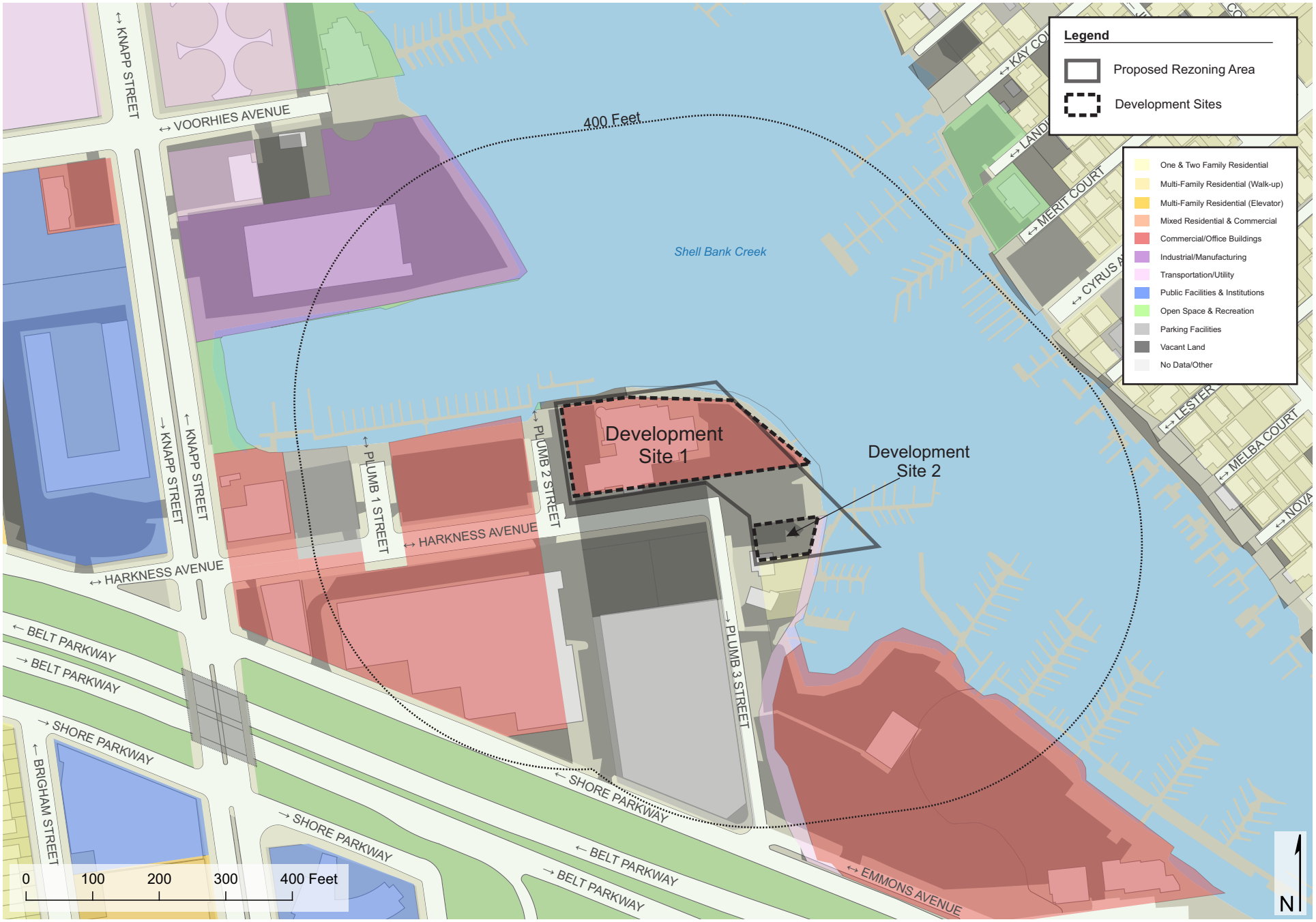
Task 2-Remediation Determination and Protocol
A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.


Legend
Proposed Rezoning Area
Development Sites
400 Feet
Shell Bank Creek
Development Site 1
Development Site 2
↔ KNAPP STREET
↔ VOORHIES AVENUE
→ KNAPP STREET
← KNAPP STREET
↔ PLUMB 1 STREET
↔ PLUMB 2 STREET
↔ HARKNESS AVENUE
↔ HARKNESS AVENUE
→ PLUMB 3 STREET
← BELT PARKWAY
→ BELT PARKWAY
→ SHORE PARKWAY
← BRIGHAM STREET
← SHORE PARKWAY
→ SHORE PARKWAY
← BELT PARKWAY
→ BELT PARKWAY
↔ EMMONS AVENUE
↔ KAY CO
↔ LAND
↔ MERIT COURT
↔ CYRUS AVENUE
↔ KEEN COURT
↔ MADOC AVENUE
↔ LESTER COURT
↔ MELBA COURT
↔ NOVA
0 100 200 300 400 Feet
N


Legend
Proposed Rezoning Area
Development Sites
400 Feet
Development Site 1
Development Site 2
8839
8840
8841
8842
8843
8844
8866
8876
8856
450
525
500
490
345
340
342
338
336
335
50
10
375
VOORHIES AVENUE
SHELL BANK AVENUE
PLUMB 1ST ST
PLUMB 2 STREET
PLUMB 3 STREET
HARKNESS AVENUE
KNAPP STREET
SHORE PARKWAY
BELT PARKWAY
PLUMB BEACH AVENUE
LANDIS COURT
MERIT COURT
KEEN COURT
LESTER COURT
MELBA COURT
NOVA COURT
MADOC AVENUE
OPAL CT
EMMONS AVENUE
A1648-H
Unclassified
Easement
0
100
200
300
400 Feet
N


Legend
Proposed Rezoning Area
Development Sites
One & Two Family Residential
Multi-Family Residential (Walk-up)
Multi-Family Residential (Elevator)
Mixed Residential & Commercial
Commercial/Office Buildings
Industrial/Manufacturing
Transportation/Utility
Public Facilities & Institutions
Open Space & Recreation
Parking Facilities
Vacant Land
No Data/Other
400 Feet
Shell Bank Creek
Development Site 1
Development Site 2
KNAPP STREET
VOORHIES AVENUE
PLUMB 1 STREET
PLUMB 2 STREET
PLUMB 3 STREET
HARKNESS AVENUE
BELT PARKWAY
SHORE PARKWAY
BRIGHAM STREET
EMMONS AVENUE
MERIT COURT
CYRUS
LESTER
MELBA COURT
0
100
200
300
400 Feet
N



600 0 600 1200 1800 FEET

NOTE: STREETS FOR THE STREET MAP CHANGE C 070512 MMK ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

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

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

05-15-2012 C 120108 ZMK

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

22d	23b	23d
28c	**29a**	29c
28d	29b	29d

© Copyrighted by the City of New York

ZONING MAP 29a

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: **www.nyc.gov/planning** or contact the Zoning Information Desk at (212) 720-3291.


Legend
Proposed Rezoning Area
Development Sites
400 Feet
Development Site 1
Development Site 2
KNAPP STREET
VOORHIES AVENUE
MERIT COURT
CYRUS AVENUE
KEEN COURT
MADOC AVENUE
LESTER COURT
MELBA COURT
PLUMB 1 STREET
PLUMB 2 STREET
PLUMB 3 STREET
HARKNESS AVENUE
BELT PARKWAY
SHORE PARKWAY
BRIGHAM STREET
EMMONS AVENUE
0 100 200 300 400 Feet
N



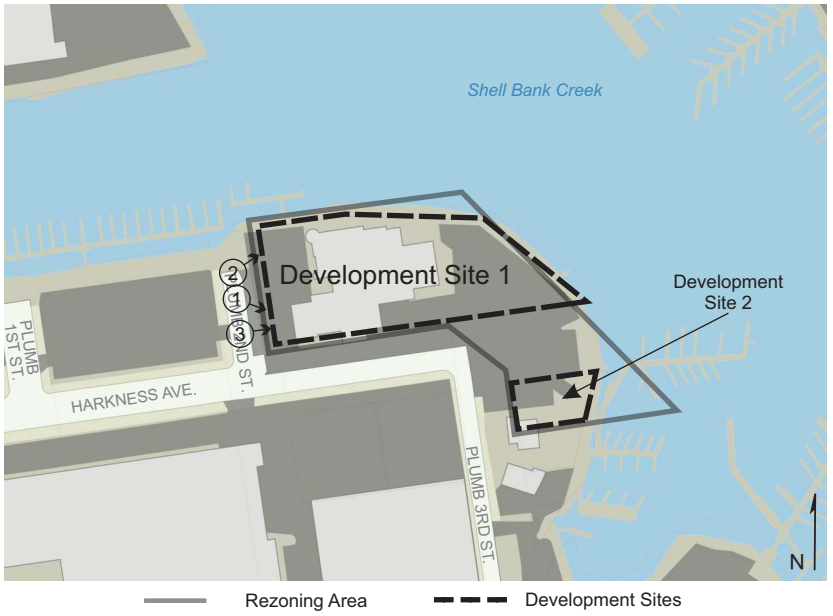
1. View of Development Site 1 facing southeast from Plumb 2nd Street.



2. View of Development Site 1 facing northeast from Plumb 2nd Street.



3. View of Development Site 1 facing east from Plumb 2nd Street.





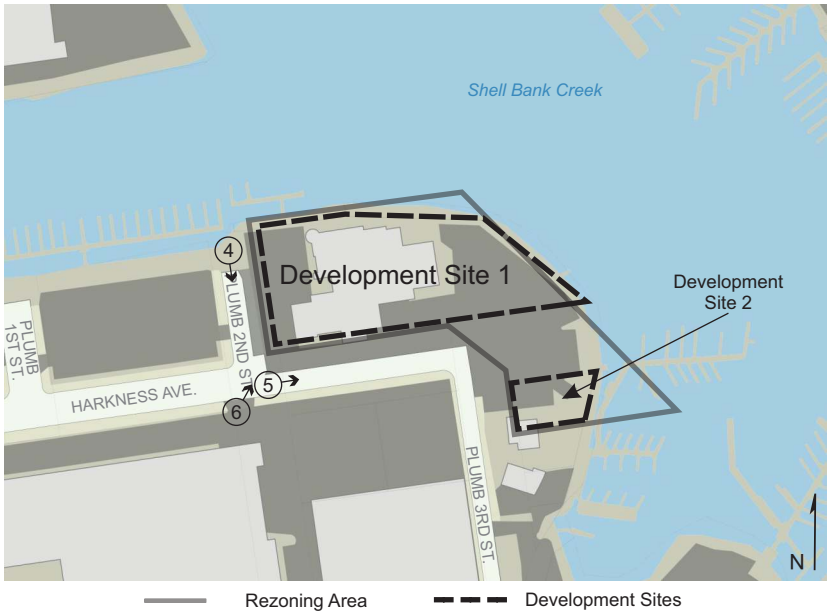
4. View of Plumb 2nd Street facing south (Development Site 1 at left).



5. View of Harkness Avenue facing east from Plumb 2nd Street (Development Site 1 at left).



6. View of Development Site 1 facing northeast from Harkness Avenue.





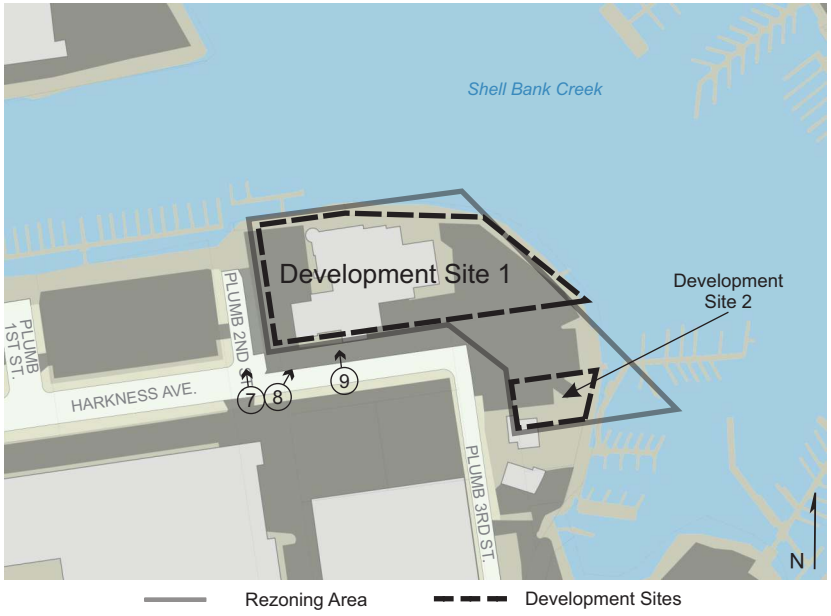
7. View of Plumb 2nd Street facing north from Harkness Avenue (Development Site 1 at right).



8. View of Development Site 1 facing northeast from Harkness Avenue.



9. View of Development Site 1 facing north from Harkness Avenue.





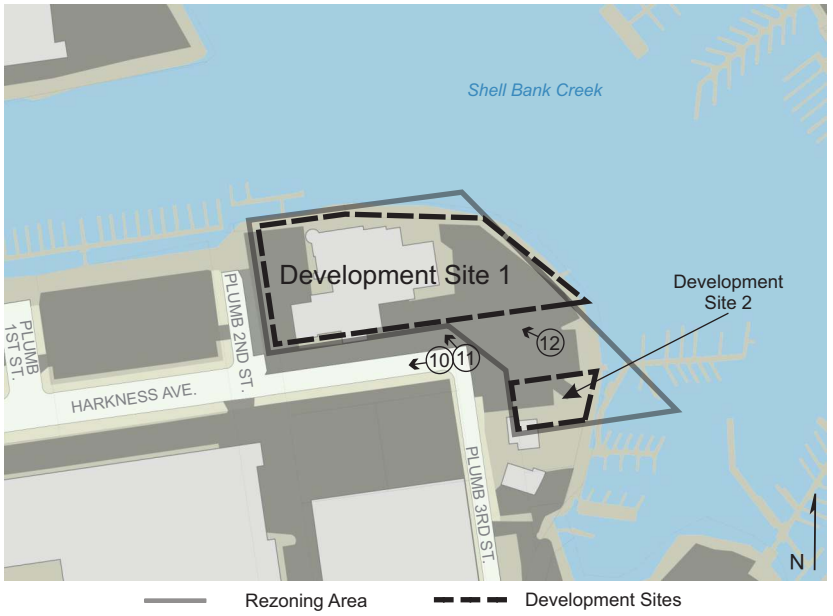
10. View of Harkness Avenue facing west from Plumb 3rd Street (Development Site 1 at right).



11. View of Development Site 1 facing northwest from Harkness Avenue.



12. View of Development Site 1 facing northwest from Development Site 2.





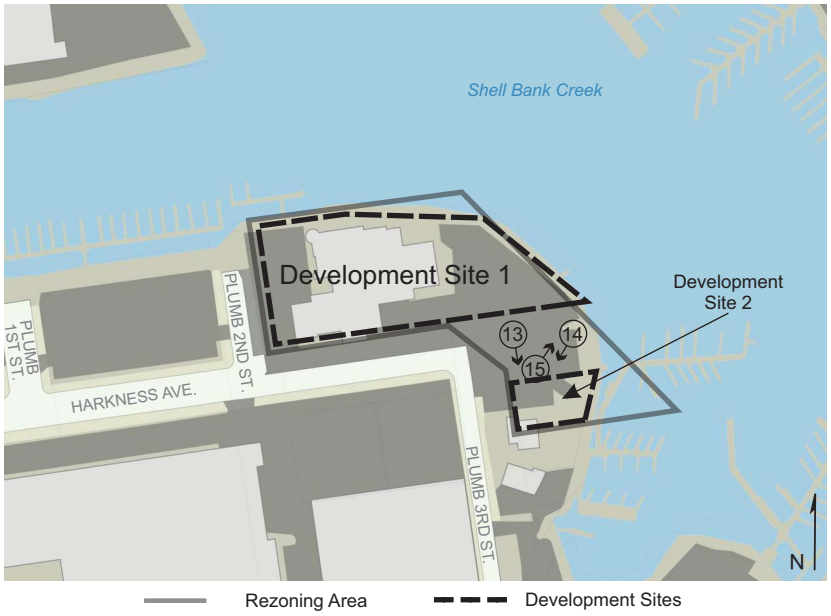
13. View of Development Site 2 facing south from Development Site 1.



14. View of Development Site 2 facing southwest from Development Site 1.



15. View of Development Site 1 facing northeast from Development Site 2.





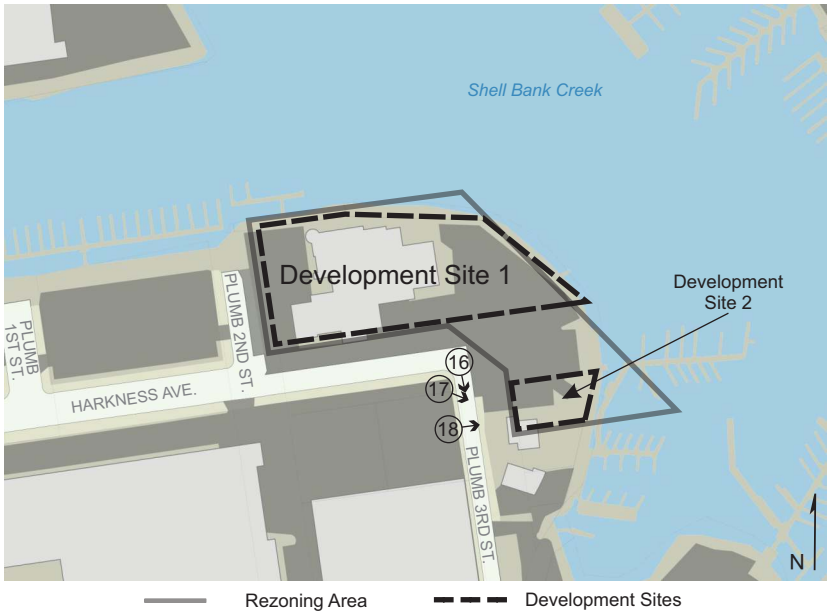
16. View of Plumb 3rd Street facing south from Harkness Avenue (Development Site 2 at left).



17. View of Development Site 2 facing southeast from Plumb 3rd Street.



18. View of 2 Plumb 3rd Street facing east from Plumb 3rd Street.





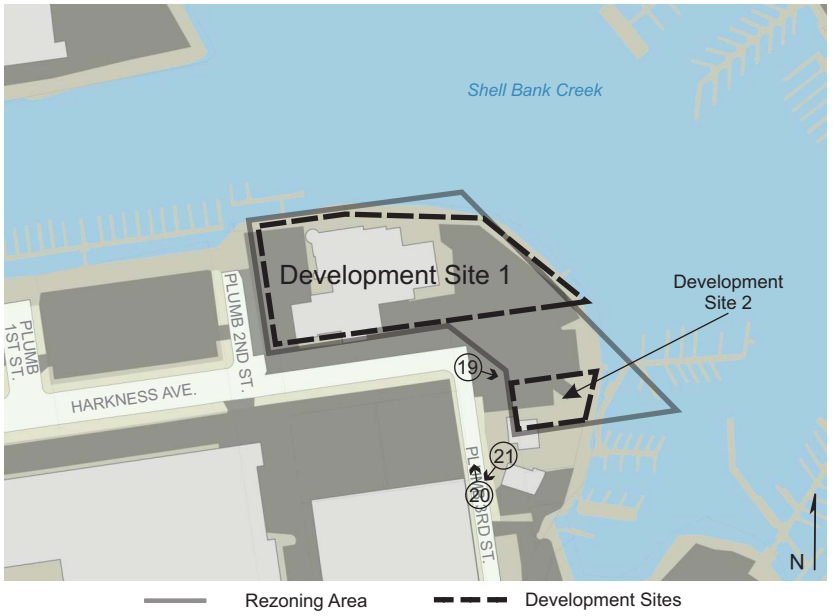
19. View of 2 Plumb 3rd Street facing southeast from Development Site 2.



20. View of Plumb 3rd Street facing north (Development Site 1 straight ahead and Development Site 2 at left).



21. View of the west side of Plumb 3rd Street facing southwest from Development Site 2.





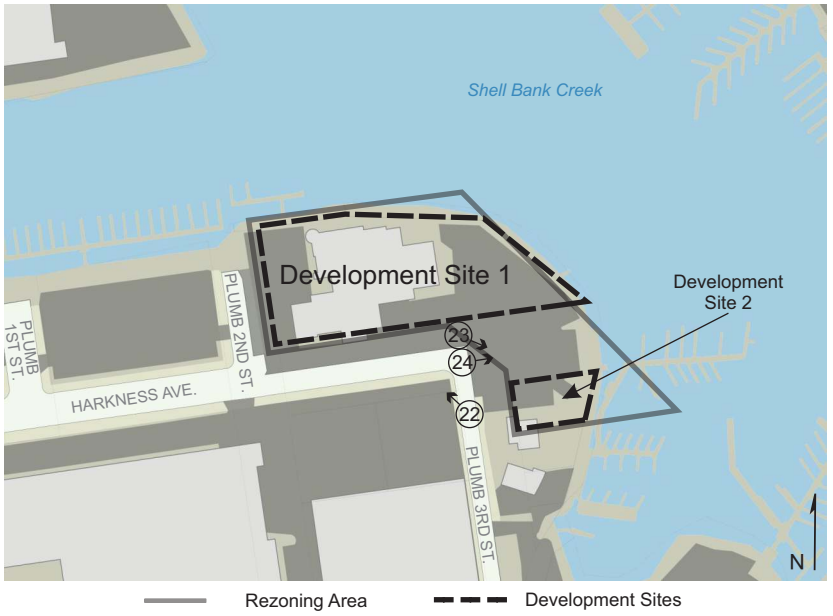
22. View of Development Site 1 facing northwest from the intersection of Harkness Avenue and Plumb 3rd Street.



23. View of the Development Site 2 facing southeast from Plumb 3rd Street.



24. View of the Rezoning Area facing east from Plumb 3rd Street.





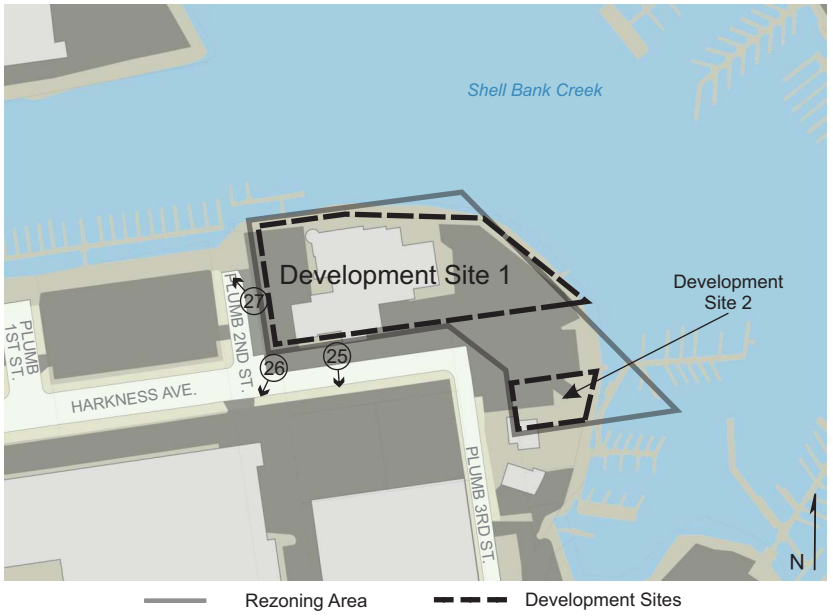
25. View of the south side of Harkness Avenue facing south from Development Site 1.



26. View of the south side of Harkness Avenue facing southwest from Development Site 1.



27. View of the west side of Plumb 2nd Street facing northwest from Development Site 1.



2761 PLUMB 2ND STREET REZONING

PROJECT DESCRIPTION

INTRODUCTION

This Environmental Assessment Statement (EAS) is filed under the City Environmental Quality Review (CEQR) procedures in connection with an application made to the City Planning Commission (CPC) for a zoning map amendment to replace part of a C3 zoning district with an R3-2/C2-3 zoning district (the "proposed action"). The proposed action would rezone an approximately 43,500 square foot area consisting of Block 8841, Lots 450 (p/o), 490 (p/o), 500, and 525 (p/o), and Block 8844, Lots 340, 342 (p/o), and 345 (p/o), in the Sheepshead Bay neighborhood of Brooklyn (the "affected area"). The proposed action would (1) eliminate the Applicant's need to apply to the Board of Standards and Appeals (BSA) every five years for the renewal of a special permit to continue the operation of eating and drinking establishments, which are the uses that have occupied Block 8841, Lot 500, since 1987, and (2) reduce the accessory off-street parking requirement from one space per 150 sf of floor area to one space per 400 sf of floor area, which a parking study confirms would be more in accord with the actual parking demand.

PROPOSED ACTION

The Applicant, Zaliv, LLC, seeks a Zoning Map Amendment to change the zoning of an area in Brooklyn Community District 15 from C3 to R3-2/C2-3. The Affected Area includes two Applicant-owned lots (collectively the "project area"), on opposite sides of Harkness Avenue: Block 8841, Lot 500 (2761-2777 Plumb 2nd Street); and Block 8844, Lot 340 (1 Plumb 3rd Street). The affected area also includes parts of five lots to the immediate north, east, and south of the project area.

The most important difference between the existing C3 waterfront recreation district and the proposed R3-2/C2-3 residential district paired with local commercial district is that the proposed district permits a wider range of commercial uses as-of-right. Both districts permit residential uses (Use Groups 1 and 2), community facility uses (Use Groups 3 and 4), transient hotels (Use Group 5), and services and facilities related to boating and related activities (Use Group 14), but R3-2/C2-3 also permits Use Groups 6, 7, 8, and 9, which include retail and service establishments, offices, eating and drinking establishments, public service establishments, home maintenance and repair establishments, and amusements, as-of-right. Eating and drinking establishments (Use Group 6) may locate in a C3 district if issued a BSA special permit, which must be renewed periodically. The two districts have identical bulk regulations for residential development, but the proposed zoning permits more commercial and community facility floor area (having maximum permitted floor area ratios (FARs) of 1.00 and 1.60, respectively, for the two uses, as opposed to 0.50 and 1.00 in the C3 district). Accessory off-street parking requirements for the two districts vary by use; for uses listed as PRC-B (which include eating and drinking establishments), the requirements are one space per every 150 sf of floor area in C3 districts and one space per every 400 sf in R3-2/C2-3 districts.

AFFECTED AREA

As noted above, the affected area is located in the Sheepshead Bay neighborhood of Brooklyn Community District 15 and consists of two Applicant-owned lots separated by Harkness Avenue (Block 8841, Lot 500 (2761-2777 Plumb 2nd Street), and Block 8844, Lot 340 (1 Plumb 3rd Street)), as well as parts of the upland portions of four adjacent non-Applicant-owned lots that extend into Shell Bank Creek (Block 8841, Lots 450 (p/o) and 525 (p/o), and Block 8844, Lots 342 (p/o) and 345 (p/o), as well as the northern edge of a lot to the immediate south of 2761-2777 Plumb 2nd Street (Block 8841, Lot 490) that is part of the Harkness Avenue paved roadway.

The two Applicant-owned lots comprise the project area. Block 8841, Lot 500, is a 37,450 sf lot that is bounded by Plumb 2nd Street to the west, Harkness Avenue to the south, Block 8841, Lot 525, to the east, and Block 8841, Lots 450 and 525, to the north. It has 353 feet of frontage along Harkness Avenue and 134 feet of frontage along Plumb 2nd Street. It is developed with a 15,614 gsf, two-story, 38'-tall building with three eating and drinking establishments (one of which is also engaged in the retail sale of fish and shellfish), plus 79 accessory parking spaces. All floor area counts for zoning purposes, so the FAR is 0.42. The other Applicant-owned lot is a 3,684 sf accessory parking lot providing an additional 17 parking spaces for the commercial establishments at 2761-2777 Plumb 2nd Street. It is bounded by Plumb 3rd Street to the west, Harkness Avenue to the north, Block 8844, Lot 342, to the east, and Block 8844, Lot 338 (developed with a single-family home) to the south. It has 100 feet of frontage along Harkness Avenue and 50 feet of frontage along Plumb 3rd Street. The two lots are under common ownership, and a restrictive declaration recorded in March 2019 requires 1 Plumb 3rd Street's continued use as an accessory parking lot for the commercial establishments at 2761-2777 Plumb 2nd Street.

Four of the other lots are shoreline properties that extend into Shell Bank Creek to the north and east of the project area. Block 8841, Lot 525, located north of the western part of Block 8841, Lot 500, is a privately owned lot that is mostly underwater; the upland portion adjacent to the project area is approximately ten feet wide and consists of unconsolidated rock, as well as locust trees and other upland vegetation. Block 8841, Lot 450, located to the north and east of the rest of Block 8841, Lot 500, is an even narrower City-owned parcel that is separated from Lot 500 by opaque wooden fencing. East of the parking lot (Block 8844, Lot 340) are Block 8844, Lots 342 and 345, which are owned by Parkway Fishing Center. They consist of a grass-covered strip and a hard surface walkway leading to the fishing center's main property to the south, as well as a boat dock accessible from the walkway. Block 8841, Lot 490, constitutes the block of Harkness Avenue between Plumb 2nd and Plumb 3rd Streets and is thus part of an open, paved roadway. Only the eastern part of Block 8841, Lot 450, the northern edge of Block 8841, Lot 490, the northern part of Block 8844, Lot 342, and a small area in the northeastern part of the upland portion of Block 8844, Lot 345, are within the affected area.

The affected area is zoned C3. It is within the Coastal Zone and within the 100-year floodplain.

PROJECT DESCRIPTION

The proposed zoning map amendment would render the existing eating and drinking establishments conforming, as-of-right uses, freeing the Applicant of the need to renew a BSA

special permit every five years, and would reduce the accessory parking requirement. No new development, enlargement, or change of use is proposed.

BACKGROUND

The building on Block 8841, Lot 500, was built circa 1930 as a wholesale and retail fish store. With the comprehensive revision of the Zoning Resolution in 1961, and the site's mapping within a C3 district, the store became a legally nonconforming use that could be continued but not enlarged without BSA action. On May 27, 1980, the BSA granted a variance (1233-79-BZ) to enlarge the store. On December 1, 1987, the BSA granted (1) a special permit pursuant to ZR Section 73-232 to permit a one-story addition and partial conversion to an eating and drinking establishment, for a term of five years until December 1, 1992 (233-86-BZ), and (2) an appeal from a DOB decision, allowing part of the eating and drinking establishment and unenclosed accessory parking to be located in the bed of a mapped street (233-86-A). The BSA subsequently extended the special permit to December 1, 1997. The special permit lapsed on December 1, 1997, but on March 26, 2002, the BSA permitted it to be reinstated and extended to March 26, 2007, and subsequently extended it to March 26, 2012, and to November 16, 2015. Also, on July 10, 2007, the BSA amended the special permit to legalize certain modifications that had been made to the site and extended the time to obtain a final C of O reflecting the modifications; and on November 16, 2010, the BSA amended the special permit to legalize an enlargement of the building and extended the time to obtain a final C of O. The BSA special permit expired on November 16, 2015, but on April 10, 2018, the BSA granted a retroactive five-year extension that expires on November 16, 2020, and again extended the time to obtain a final C of O. The April 2018 BSA action (214-00-BZ) was contingent on the recording of a restrictive declaration against Block 8844, Lot 340, mandating its continued use as an off-site accessory parking lot serving the establishments subject to the special permit; the BSA also required the submission of a parking maneuverability plan. That plan showed that, with the recent introduction of attended parking, the required number of spaces was provided.

PURPOSE AND NEED

The proposed rezoning would (1) eliminate the Applicant's need to apply to the BSA every five years for the renewal of a special permit to continue the operation of eating and drinking establishments, which are the uses that have occupied Block 8841, Lot 500, since 1987 and (2) reduce the accessory off-street parking requirement from one space per 150 sf of floor area to one space per 400 sf of floor area, which a parking study confirms would be more in accord with the actual parking demand.

ANALYSIS FRAMEWORK

Existing Conditions

Existing conditions are as described above under affected area. To reiterate, Block 8841, Lot 500, is developed with a 15,614 gsf, two-story, 38'-tall building with three eating and drinking establishments (one of which is also engaged in the retail sale of fish and shellfish), plus 79 accessory parking spaces. All floor area counts for zoning purposes, and the FAR is 0.42. Block 8844, Lot 340, is a paved accessory parking lot serving the commercial uses on the other lot, with 17 spaces. The eating and drinking establishments operate subject to a ZR Section 73-232 BSA

special permit (233-86-BZ), which will remain in effect until November 16, 2020. The upland portions of the four lots to the north and east of the project area comprise a narrow strip of land separating the project area from Shell Bank Creek. To the east of the parking lot, Block 8844, Lots 342 and 345, which are owned by Parkway Fishing Center, consist of a grass-covered strip and a hard surface walkway leading to the fishing center's main property to the south, as well as a boat dock accessible from the walkway. Block 8841, Lot 490, is within the paved roadway of Harkness Avenue.

The Future without the Proposed Action

Under the no-action scenario, the existing uses (eating and drinking establishments and accessary parking on Block 8841, Lot 500, additional accessory parking on Block 8844, Lot 340, and a walkway on Block 8841, Lots 342 and 345) would continue, and the project site uses would be legalized through the granting of a C of O. No new development or enlargement would occur.

The Future with the Proposed Action

If the proposed rezoning occurs, the existing uses would continue, as they would under future no-action conditions, but it is assumed (for the sake of a conservative CEQR analysis) that the existing building would be enlarged to maximize the permissible commercial FAR of 1.00. That would involve the addition of 21,836 gsf, which would increase the amount of floor area on the site from the current 15,614 gsf (and zsf) to 37,450 gsf (and zsf). The ground floor would be enlarged by 8,154 gsf (from the current 12,961 sf to 21,115 sf), but the larger increase would result from the enlargement of a 1,949 sf partial second floor and a 704 sf mezzanine into a 16,336 sf second floor (an increase of 13,683 sf). Building height would not increase. Two off-street accessory parking spaces would be eliminated as a result of the enlargement, reducing the number to 94.

The accessory off-street parking requirement would decline from one space per 150 sf of floor area under the existing C3 zoning to one space per 400 sf under the proposed R3-2/C2-3 zoning. This change would more than cancel out the assumed increase in square footage, so that the required number of spaces would decline slightly, from 96 to 94.

REQUIRED APPROVALS

The proposed project would require an amendment to zoning sectional map 29a to replace part of a C3 zoning district with an R3-2/C2-3 zoning district. The zoning map amendment would be subject to the Uniform Land Use Review Procedure (ULURP).

BUILD YEAR

Although no construction is actually contemplated, the with-action RWCDS involves a building enlargement. An estimated six-month construction period would follow an estimated six-month precertification review period, ULURP, and Department of Buildings review and approval of plans. The estimated build year is 2024.

PART II: TECHNICAL ANALYSES

INTRODUCTION

Based on the criteria in Part II of the Environmental Assessment Statement Short Form, the following technical areas require further analysis: land use, zoning, and public policy; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; transportation; air quality; noise; and construction. These analyses, which follow the guidance in the *CEQR Technical Manual*, are presented below. The heading numbers correlate with the relevant chapters of the *CEQR Technical Manual*.

4. LAND USE, ZONING, AND PUBLIC POLICY

Introduction

A land use analysis characterizes the uses and development trends in the area that may be affected by an action and determines whether a proposed project is compatible with those conditions or whether it may adversely affect them. The analysis also considers the proposed project's compliance with, and effect on, the area's zoning and other applicable public policies.

According to the *CEQR Technical Manual*, a preliminary assessment that includes a basic description of existing and future land uses, as well as basic zoning information, is provided for most projects, regardless of their anticipated effects. Regarding public policy, the *CEQR Technical Manual* states, "Large, publicly-sponsored projects are assessed for their consistency with PlaNYC, the City's sustainability plan." An assessment of an action's consistency with the Waterfront Revitalization Program is required if an action would occur within the designated Coastal Zone. Public policy assessments are also appropriate if an action would occur within an area covered by an Urban Renewal Plan or a 197-A Plan.

Study Area

According to the *CEQR Technical Manual,* the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 400 feet for a small project to 0.5 miles for a very large project.

Because of the modest size of the proposed project, the land use and zoning assessment for the proposed action considers a study area extending 400 feet around the affected area. As shown in the Land Use Map, the study area extends northward to Voorhees Avenue, eastward into Shell Bank Creek, southward to Shore Parkway, and westward to the midpoint between Plumb 1st Street and Knapp Street.

Need for a Preliminary Assessment

A land use and zoning assessment is appropriate for the proposed action, which is a zoning map amendment.

The proposed project is neither large nor publicly sponsored. No portion of the proposed rezoning area is within an urban renewal area or an area covered by a 197-a Plan. The affected area is within the Coastal Zone, however, so a public policy consistency assessment focused on the Waterfront Revitalization Plan is warranted.

Land Use

<u>Existing Conditions within the Affected Area</u>

Block 8841, Lot 500, is developed with a 15,614 gsf, two-story, 38'-tall building with three eating and drinking establishments (one of which is also engaged in the retail sale of fish and shellfish), plus 79 accessory parking spaces. All floor area counts for zoning purposes, and the FAR is 0.42. Block 8844, Lot 340, is a paved accessory parking lot serving the commercial uses on the other lot,

with 17 spaces. The eating and drinking establishments operate subject to a ZR Section 73-232 BSA special permit (233-86-BZ). Block 8841, Lots 450 and 525, and Block 8844, Lot 342, are waterfront lots that are mostly underwater. The upland portion of Block 8841, Lot 525, is approximately ten feet wide and consists of unconsolidated rock, as well as locust trees and other upland vegetation. The upland portion of Block 8841, Lot 450, is even narrower and is separated from Lot 500 by opaque wooden fencing. The affected upland portions of Block 8844, Lots 342 and 345, which are owned by Parkway Fishing Center, consist of a grass-covered strip and a hard surface walkway leading to the fishing center's main property to the south, as well as a boat dock accessible from the walkway. Block 8841, Lot 490, is part of a paved public roadway.

Existing Conditions within the Study Area

Land uses within the study area are predominantly commercial. Boat docks are located along much of the Shell Bank Creek waterfront. A former one-family home that is now a photography, film, and video studio known as Rain or Shine Studios is located to the south of Block 8844, Lot 340. South of the studio is the Parkway Fishing Center, which extends to a dock serving fishing boats, on which passengers can go out for a day of fishing. South of the fishing center are a marina and a marina supply store. West of Block 8844, Lot 340, and south of Block 8841, Lot 500, a parking lot (accessory to the Parkway Fishing Center) and a three-level parking garage occupy the block bounded by Plumb 2nd Street, Harkness Avenue, Plumb 3rd Street, and Shore Parkway. To the west of Block 8841, Lot 500, across Plumb 2nd Street, is a parking lot, and to its west, across Plumb 1st Street, is another parking lot. On the south side of Harkness Avenue, opposite the two parking lots, is a multiplex movie theater (in common ownership with one of the two lots, which provides accessory parking for the theater). Finally, at the northern end of the study area, across an inlet from the affected area, is a self-storage facility, along with its large accessory parking lot.

Future Conditions without the Proposed Action

Under the no-action scenario, the existing uses (eating and drinking establishments and accessary parking on Block 8841, Lot 500, and additional accessory parking on Block 8844, Lot 340) would continue and would be legalized through the granting of a C of O. No new development or enlargement would occur.

No land use changes are anticipated within the study area.

Future Conditions with the Proposed Action

If the proposed rezoning occurs, the existing uses (eating and drinking establishments and accessary parking on Block 8841, Lot 500, additional accessory parking on Block 8844, Lot 340, and a walkway on Block 8844, Lot 342) would continue, as they would under future no-action conditions, but it is assumed (for the sake of a conservative CEQR analysis) that the existing building would be enlarged to maximize the permissible commercial FAR of 1.00. That would involve the addition of 21,836 gsf, which would increase the amount of floor area on the site from the current 15,614 gsf (and zsf) to 37,450 gsf (and zsf). The ground floor would be enlarged by 8,154 gsf (from the current 12,961 sf to 21,115 sf), but the larger increase would result from the enlargement of a 1,949 sf partial second floor and a 704 sf mezzanine into a 16,336 sf second floor (an increase of 13,683 sf). Building height would not increase.

The enlargement would intensify but not change the land uses in the affected area, which would remain the same ones that now occupy the affected area: eating and drinking establishments and accessory surface parking on the Applicant-owned lots and a walkway on Block 8844, Lots 342 and 345. The uses would be compatible, as they are now, with the nearby uses, which consist of parking lots and garages, a cineplex, boat docks, a photography and film studio, and a marina. The proposed action would not have a significant adverse land use impact, and no further analysis is required.

Zoning

Existing Conditions

The affected area is within a C3 waterfront recreation district. The district permits residential uses (Use Groups 1 and 2), community facility uses (Use Groups 3 and 4), transient hotels (Use Group 5), and services and facilities related to boating and related activities (Use Group 14) (ZR Section 32-00). Eating and drinking establishments (Use Group 6) may locate in a C3 district if issued a BSA special permit, which must be renewed periodically (ZR Section 32-30). The maximum permitted floor area ratios (FARs) are 1.00 for community facilities and 0.50 for residential and commercial uses (ZR Sections 23-142, 33-122, 33-123, and 34-112). For commercial and community facility development, the maximum permitted street wall height is 30 feet or two stories (whichever is less), at which point a setback is required; above that point, no portion of the building may penetrate a sky exposure plane beginning 30 feet above the front lot line and sloping upwards and rearwards across the lot at a 45 degree angle (ZR Section 33-432). Also, Use Group 14 uses are not permitted to occupy any portion of the building above the second story or above a height of 30 feet (ZR Sections 32-42 and 33-432). For residential development, the bulk regulations for an R3-2 residential district apply in a C3 district (ZR Section 34-112): the Maximum permitted lot coverage is 35 percent (ZR Section 23-142); front and side yards are required (ZR Sections 23-45 and 23-462); the maximum permitted height of all perimeter walls is 21 feet, and the maximum permitted height of the roof ridge line is 35 feet (ZR Section 23-631). Accessory off-street parking requirements for the two districts vary by use; for uses listed as PRC-B (which include eating and drinking establishments), the requirements are one space per every 150 sf of floor area in C3 districts and one space per every 400 sf in R3-2/C2-3 districts (ZR Section 36-21).

The eating and drinking establishments within the affected area operate subject to a ZR Section 73-232 BSA special permit (233-86-BZ), which was granted initially in 1987 for a five-year period and has been renewed several times.

Because all lots within the affected area are located within waterfront blocks and within the 100-year flood plain, the zoning district provisions are modified and supplemented by ZR Article 6, Chapter 2, Special Regulations Applying in the Waterfront Area, and Article 6, Chapter 4, Special Regulations Applying in Flood Hazard Areas.

The waterfront area regulations modify certain use and bulk regulations with regard to new developments or enlargements on a lot that is part of a waterfront block. One such provision limits commercial buildings to a height of 30 feet (ZR Section 62-341(b)(3)). The waterfront regulations also impose visual corridor requirements on lots within a waterfront block (ZR Section 62-51) and public access requirements on waterfront lots (ZR Section 62-52), which are

triggered by new development or enlargements. Any development or enlargement would require CPC Chairperson certification either that no waterfront public access area or visual corridor requirement applies to the zoning lot or that a site plan has been submitted showing compliance with the provisions (ZR Section 62-811). The visual corridor requirements would apply to developments or enlargements within the affected area, but the public access requirements would not apply to the project area because the two lots are not waterfront lots because they do not directly abut Shell Bank Creek.

The flood hazard area regulations would apply to any new development, increase in building height, or horizontal enlargement that results in a new street wall. The regulations integrate the requirements of Appendix G of the New York City Building Code, and they facilitate the location of habitable portions of the building above the flood elevation by stipulating that height measurements shall be from the flood-resistant construction elevation rather than from base plane or curb level (ZR Section 64-131).

The C3 district covers the portion of the study area east of Plumb 2nd Street. Two other zoning districts are mapped elsewhere within the study area.

The portion of the study area south of Harkness Avenue and west of Plumb 2nd Street is zoned R3-2/C2-2, a residential district paired with a local commercial district. It allows the uses permitted in a C3 district but also permits commercial uses listed in Use Groups 6 through 9, which include retail and service establishments, offices, eating and drinking establishments, public service establishments, home maintenance and repair establishments, and amusements, as-of-right. The bulk regulations for residential development are the same as in C3. For nonresidential development, the maximum permitted FARs are 1.60 for community facilities and 1.00 for commercial development (ZR Section 33-121). The height and setback regulations are the same as those for community facility and commercial development in a C3 district (ZR Section 33-431), except that commercial uses other than hotels and public service establishments are not permitted above the second floor and above a height of 30 feet (ZR Sections 32-42 and 33-431).

The northernmost part of the study area is within a C8-1 general service district. Use Group 4 community facilities and all commercial uses except large open amusement establishments listed in Use Group 15 are permitted as-of-right (ZR Section 32-00). The maximum permitted FARs are 2.40 for community facilities and 1.00 for commercial development (ZR Section 33-121). Height and setback regulations are the same as those in C3 districts, except that all uses are permitted above the maximum street wall height, in accordance with setback regulations (ZR Section 33-432).

Future Conditions without the Proposed Action

No zoning map changes are anticipated within the study area under future no-action conditions. Because no development or enlargement would occur within the affected area, the visual corridor requirements of ZR Section 62-51 would not be triggered.

Future Conditions with the Proposed Action

The proposed action would rezone the affected area from C3 to R3-2/C2-3. This would expand the existing R3-2/C2 district eastward across Plumb 2nd Street and northward across Harkness

Avenue, but would substitute a C2-3 commercial overlay for the C2-2 overlay district mapped on the west side of Plumb 2nd Street. The difference between the two C2 districts is that C2-3 has lower accessory off-street parking requirements than C2-2.

The zoning map amendment would expand the range of uses allowable as-of-right in the affected area, adding commercial uses listed in Use Groups 6 through 9, which include retail and service establishments, offices, eating and drinking establishments, public service establishments, home maintenance and repair establishments, and amusements. It would therefore free the Applicant of the need to seek BSA renewal every five years of the ZR Section 73-242 special permit for eating and drinking establishments in a C3 district. The rezoning would also increase the permitted FAR for commercial uses (from 0.50 to 1.00) and for community facilities (from 1.00 to 1.60). It would thus potentially permit the enlargement of the existing building at 2761 Plumb 2nd Street, which has an FAR of 0.42, by as much as 21,836 sf. The commercial building would continue to be limited to two stories, and the applicable height and setback regulations would not change. Third, the proposed action would reduce the accessory off-street parking requirements. For eating and drinking establishments, the requirement would decline from one space for every 150 sf of floor area to one space for every 400 sf of floor area.

The proposed zoning map amendment would not alter the applicability of ZR Article 6, Chapter 2, Special Regulations Applying in the Waterfront Area, and Article 6, Chapter 4, Special Regulations Applying in Flood Hazard Areas, to the affected area and would not alter the pertinent regulations. If the existing building is enlarged – as is assumed under the RWCDS – the Department of Buildings (DOB) would not issue an alteration permit until receiving certification from the CPC Chairperson pursuant to ZR Section 62-811 regarding whether waterfront observation corridor or public access requirements apply and, if they do, whether the proposed project complies with the applicable requirements.

The proposed action would not preclude any uses currently permitted in the affected area and would not render any existing uses nonconforming or any existing buildings noncomplying. The action would not introduce a new zoning designation into the area, but rather would extend the use and bulk regulations now applicable between Knapp Street and Plumb 2nd Street eastward to an area between Plumb 2nd Street and the mapped but underwater Shell Bank Avenue. It would reduce the accessory off-street parking requirement, but would do so in accordance with the results of a parking utilization study prepared by a transportation engineering firm in 2018. (See Section 16, Transportation, of this report.) Because of its location, the affected area is subject not just to the zoning district regulations but also to additional regulations designed for areas in the waterfront area and in a flood hazard area, and the proposed action would not affect the applicability of those provisions. For these reasons, the proposed action would not have a significant adverse impact related to zoning.

Public Policy: Waterfront Revitalization Program

The affected area is within the Coastal Zone, so this section assesses the proposed project's consistency with New York City's Waterfront Revitalization Program (WRP). Additional consistency assessment materials are included as Appendix B to this EAS. The DCP Waterfront

and Open Space Division reviewed the assessment and signed off on it on May 13, 2022, with the number WRP 18-046.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The affected area is not within a Special Natural Waterfront Area (SNWA) or Significant Maritime and Industrial Area (SMIA), and it is in a well developed area with existing residential and commercial development. A commercial development now occupies one of the two lots within the affected area. The proposed action would therefore be consistent with Policy 1.1.

Policy 1.2: Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

Eating and drinking establishments, as listed in UG 6A, are identified as waterfront-enhancing uses in ZR Section 62-212. The proposed action would therefore be consistent with Policy 1.2.

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

As shown in the New York City Flood Hazard Mapper, the affected area is within a 100-year-floodplain as designated on FEMA's 2015 preliminary flood maps and is within flood zone AE. Any new development or alteration would therefore need to comply with New York City Building Code provisions applicable to such a flood hazard area, and a Certificate of Occupancy would be issued only if "the structure was constructed with methods and practices that minimize flood damage and that are in accordance with approved plans, and with any applicable provisions of Appendix G of the New York City Building Code and ASCE 24." The proposed action would be consistent with Policy 6.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

The New York City Panel on Climate Change has projected that, relative to sea levels in the year 2000, sea levels at New York City will have risen 4 to 8 inches in the 2020s, 11 to 21 inches in the 2050s, 18 to 39 inches in the 2080s, and 22 to 50 inches by 2100. These changes will increase the frequency and severity of coastal flooding, expand existing flood zones, and increase base flood elevations at locations within existing flood zones.

The affected area is already subject to the most stringent requirements of Appendix G of the New York City Building Code and ASCE 24, those applicable to V zones and coastal A zones. The construction methods and practices currently required for the area should therefore be sufficient to minimize flood damage throughout the foreseeable future. The proposed action would be consistent with Policy 6.2.

Conclusion

The enlargement analyzed in the with-action scenario would intensify but not change the land uses in the affected area, which would remain the same ones that have occupied the two lots since

1987: eating and drinking establishments, accessory surface parking, and a walkway. The uses would be compatible, as they are now, with other uses in the surrounding area, which consist of parking lots and garages, a cineplex, boat docks, a photography and film studio, and a marina. The proposed action would not have a significant adverse land use impact, and no further analysis is required.

The proposed action would not introduce a new zoning designation into the area, but rather would extend the use and bulk regulations now applicable between Knapp Street and Plumb 2nd Street eastward to an area between Plumb 2nd Street and the mapped but underwater Shell Bank Avenue. It would reduce the accessory off-street parking requirement in accordance with the results of a parking utilization study prepared by a transportation engineering firm in 2018. (See Section 16, Transportation, of this report.) Because of its location, the affected area is subject not just to the zoning district regulations but also to additional regulations designed for areas in the waterfront area, in a flood hazard area, and in an area with regulated wetland adjacent area. The proposed action would not affect the applicability of those provisions.

The affected area is within the Coastal Zone and the proposed actions were assessed for compliance with New York City's Waterfront Revitalization Program and received sign-off on May 13th, 2022 (WRP 18-046). The proposed action would not have a significant adverse impact relative to land use, zoning, or public policy, and no further analysis is required.

9. HISTORIC AND CULTURAL RESOURCES

Introduction

This section considers the proposed action's potential impact on archaeological and architectural resources. Archaeological resources are artifacts or other remains, from either the prehistoric (Native American) or the historic (colonial or post-colonial) period that might provide information about the period from which they date or the society that produced them. Architectural resources include designated New York City landmarks and buildings within a designated New York City historic district, properties calendared for consideration by the New York City Landmarks Preservation Commission (LPC), properties listed on or determined to be eligible for listing on the State or National Register of Historic Places, National Historic Landmarks, and other properties that meet the eligibility criteria for such designations.

Archaeological Resources

According to the *CEQR Technical Manual*, archaeological resources generally need to be assessed for any project that would result in any in-ground disturbance. In-ground disturbance is any disturbance to an area not previously excavated, including new excavation that is deeper and/or wider than previous excavation on the same site.

It is projected that the proposed action would result in a building enlargement involving in-ground disturbance on one of the two lots within the Affected Area, on a portion of the lot that has not previously been disturbed.

In correspondence dated September 20, 2022 (which is included in Appendix C to this report), the LPC stated that neither Applicant-owned site has archaeological significance. The proposed action would therefore not have a significant adverse impact on archaeological resources.

Architectural Resources

The one building within the Affected Area is undistinguished, and no architectural resources have been identified within 400 feet. In correspondence dated September 20, 2022 (which is included in Appendix C to this report), the LPC confirmed that the area has no architectural significance. The proposed action would therefore not have a significant adverse impact on architectural resources.

Conclusion

The LPC has determined that the Affected Area has neither archaeological nor architectural sensitivity. The proposed action would not result in significant adverse impacts related to archaeological or architectural resources, and further assessment is not warranted.

10. URBAN DESIGN AND VISUAL RESOURCES

Introduction

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following:

1. Projects that permit the modification of yard, height, and setback requirements;

2. Projects that result in an increase in built floor area beyond what would be allowed "as-of-right" or in the future without the proposed project.

A preliminary urban design and visual resources assessment is required because the proposed action would alter the rules regulating development within the Affected Area. The proposed action would rezone the Affected Area from C3 to R3-2/C2-3, allowing the construction of buildings that are different in use and design from those that would be allowed under existing zoning regulations. The map amendment would increase the range of permitted commercial uses and would increase the FAR permitted for commercial and community facility uses. Under the RWCDS assessed in this EAS, the proposed action would lead to the enlargement of the existing building on the project site by the addition of 21,836 gsf, which would increase the amount of floor area on the site from the current 15,614 gsf (and zsf) to 37,450 gsf (and zsf). The ground floor would be enlarged by 8,154 gsf (from the current 12,961 sf to 21,115 sf), but the larger increase would result from the enlargement of a 1,949 sf partial second floor and a 704 sf mezzanine into a 16,336 sf second floor (an increase of 13,683 sf). Building height would not increase.

Pedestrian Wind Conditions

The *CEQR Technical Manual* calls for a separate preliminary assessment to determine whether an analysis of pedestrian wind conditions is appropriate, since the construction of large buildings at locations that experience high wind conditions may result in channelization or downwash effects that could affect pedestrian safety.

The proposed action would result in the enlargement of an existing one- and two-story building through an expansion of the building footprint and the construction of a full second floor. There would be no increase in building height. As at present, development on the site would consist of a low-rise building having a large footprint, which would not cause pedestrian level vortex effects, which tend to form around towers surrounded by open space. As the *CEQR Technical Manual* explains, "Channelized wind pressure from between tall buildings and downwashed wind pressure from parallel tall buildings may cause winds that affect pedestrian comfort and safety." The proposed action would not have a significant adverse impact on pedestrian wind conditions, and a detailed wind conditions assessment is not required.

Existing Conditions

<u>Urban Design within the Affected Area</u>

The affected area consists of two Applicant-owned lots separated by Harkness Avenue: Block 8841, Lot 500 (2761-2777 Plumb 2nd Street); and Block 8844, Lot 340 (1 Plumb 3rd Street), as well

as parts of the upland portions of three adjacent non-Applicant-owned lots that extend into Shell Bank Creek (Block 8841, Lots 450 (p/o) and 525 (p/o), and Block 8844, Lots 342 (p/o) and 345 (p/o), and the northern edge of an adjacent lot that is part of the Harkness Avenue roadway (Block 8841, Lot 490(p/o)). Block 8841, Lot 500, is a 37,450 sf lot that is bounded by Plumb 2nd Street to the west, Harkness Avenue to the south, Block 8841, Lot 525, to the east, and Block 8841, Lots 450 and 525, to the north. It has 353 feet of frontage along Harkness Avenue and 134 feet of frontage along Plumb 2nd Street. It is developed with a 15,614 gsf, one- and two-story building that is 38 feet tall at its highest point and that consists of three distinct sections. (See Photos 1 – 12 in the photo section that precedes this report.) The western section is two stories tall with a peaked and gabled roof, a beige façade edged in dark brown trim, a dark brown horizontal course separating the two stories, and signage for the chain ice cream shop that occupies this part of the building. The middle section is one story tall, and its most prominent visual element is a large projecting green and white striped awning that obscures the façade. It is occupied by a seafood restaurant. The eastern section, occupied by a chain eating and drinking establishment, has a two-story portion with a red, white, and gray mosaic pattern covering most of the façade and a more subdued one-story section with a gray façade and red awnings. At its eastern end, part of the building is is recessed behind a corrugated metal shed. The building has a 12,961 sf footprint; lot coverage is 35 percent. Most of the rest of the lot is paved and used for accessory parking and outdoor seating in the form of picnic tables and benches. There is also a fanciful architectural element, a structure in the form of a lighthouse, adjacent to the northwest corner of the building. All floor area counts for zoning purposes, so the FAR is 0.42.

The other Applicant-owned lot is a 3,684 sf accessory parking lot providing an additional parking spaces for the commercial establishments at 2761-2777 Plumb 2nd Street. (See Photos 13 – 15.) It is bounded by Plumb 3rd Street to the west, Harkness Avenue to the north, Lot 342, to the east, and Lot 338 (developed with a single-family home) to the south. It has 100 feet of frontage along Harkness Avenue and 50 feet of frontage along Plumb 3rd Street.

Four of the other lots are shoreline properties that extend into Shell Bank Creek to the north and east of the project area. The upland portion of Block 8841, Lot 525, located north of the western part of Block 8841, Lot 500, is approximately ten feet wide and consists of unconsolidated rock, as well as locust trees and other upland vegetation. The upland portion of Block 8841, Lot 450, located to the north and east of the rest of Block 8841, Lot 500, is an even narrower City-owned parcel that is separated from Lot 500 by opaque wooden fencing. Block 8841, Lot 490, located to the immediate south of Block 8841, Lot 500, constitutes part of an open, paved roadway. East of the parking lot (Block 8844, Lot 340) are Block 8844, Lots 342 and 345, which are owned by Parkway Fishing Center. The affected upland portions consist of a grass-covered strip and a hard surface walkway leading to the fishing center's main property to the south, as well as a boat dock accessible from the walkway. Only the eastern part of Block 8841, Lot 450, and the northern part of Block 8844, Lot 342, are within the affected area.

Urban Design in the Vicinity of the Rezoning Area

The urban design context of the affected area is limited by factors of both natural and manmade geography. Shell Bank Creek exists to the immediate east and north of the affected area, forming a distinct boundary. Indeed, the affected area was created by fill less than a century ago. The

blocks of Plumb 2nd Street and Harkness Avenue adjacent to the area are both dead ends terminating at the water's edge. Also, the Belt Parkway, a broad, landscaped limited access highway, serves as a visual and physical boundary just one block to the south of the Affected Area. Knapp Street, 100 feet in width, forms an edge approximately 500 feet west of the Affected Area. (See Figure 5, Aerial Map, preceding the photographs.)

Within this small context area, Harkness Avenue is the only east-west street, and three streets are perpendicular to it. Plumb 1st and Plumb 2nd Streets are dead ends that are open only between Harkness Avenue and the waterfront to the north, and Plumb 3rd Street extends for one block between Harkness Avenue and Shore Parkway (which is alongside the Belt Parkway). All streets are 60 feet wide.

Most of the area is occupied by parking lots and large footprint, low-rise structures. West of Block 8844, Lot 340, and south of Block 8841, Lot 500, are a parking lot and, to its south, a three-level concrete parking garage with a 52,312 sf footprint and a height of 25 feet. (See Photos 20, 21, and 25.) To the west of Block 8841, Lot 500, across Plumb 2nd Street, is a parking lot, and to its west, across Plumb 1st Street, is another parking lot. On the south side of Harkness Avenue, opposite the two parking lots, is a 249,998 gsf multiplex movie theater that has a 57,350 sf footprint and is 36 feet in height. (See Photo 26.) West of these, fronting on Knapp Street, are multitenant one-story commercial buildings.

The pattern is different in the southeastern part of the study area. A former one-family home that is now a photography, film, and video studio is located to the south of Block 8844, Lot 340. (See Photos 13 and 14.) South of the studio is the Parkway Fishing Center, which extends to a dock serving fishing boats, on which passengers can go out for a day of fishing. South of the fishing center are a marina and a marina supply store. Opaque fencing blocks views from Plumb 3rd Street.

Boat docks are located along much of the Shell Bank Creek waterfront.

Visual Resources

Shell Bank Creek is the area's one visual resource, but views are generally blocked. The only unobstructed view corridor is along Harkness Avenue.

Future Conditions without the Proposed Action

Under the no-action scenario, the existing uses (eating and drinking establishments and accessary parking on Block 8841, Lot 500, additional accessory parking on Block 8844, Lot 340, and a walkway on Block 8844, Lots 342 and 345) would continue, and the commercial uses would be legalized through the granting of a C of O. No new development or enlargement would occur.

No land use or urban design changes are anticipated within the study area.

Future Conditions with the Proposed Action

If the proposed rezoning occurs, the existing uses would continue, as they would under future no-action conditions, but it is assumed (for the sake of a conservative CEQR analysis) that the existing building would be enlarged to maximize the permissible commercial FAR of 1.00. That

would involve the addition of 21,836 gsf, which would increase the amount of floor area on the site from the current 15,614 gsf (and zsf) to 37,450 gsf (and zsf). The ground floor would be enlarged by 8,154 gsf (from the current 12,961 sf to 21,115 sf), increasing lot coverage from 35 percent to 56 percent, but the larger increase would result from the enlargement of a 1,949 sf partial second floor and a 704 sf mezzanine into a 16,336 sf second floor (an increase of 13,683 sf). Building height would not increase. The western part of the building would remain 38 feet tall, and the rest of the building would be 30 feet tall. Table 10-1 compares future no-action and future with-action conditions within the affected area.

Table 10-1: Comparison of No-Action and With-Action Conditions

Item	No-Action Conditions	With-Action Conditions
Development Scenario	One commercial building with eating and drinking establishments and accessory surface parking	One commercial building with eating and drinking establishments and accessory surface parking
Gross/(Net) Bldg. Floor Area	15,614 gsf/(15,614 zsf, 0.42 FAR)	37,450 gsf/(37,450 zsf, 1.00 FAR)
Lot Coverage	12,961 sf (35%)	21,115 sf (56%)
Building Height	2 stories (38')	2 stories (38')

The massing diagram in Figure 10-1 provides an impression of the enlarged building's streetscape profile. As shown in the diagram, the building would more closely resemble the study area's two largest and most prominent structures, the cineplex and the parking garage, than it currently does, although it would still be smaller than either of those structures. The surface parking lot would remain one of several in the immediate area. Development on the project site would thus remain consistent with the urban design pattern in the area.

As Figure 10-1 shows, the building enlargement would not affect waterfront views to the east along Harkness Avenue or to the north on either Plumb 2nd Street or Plumb 3rd Street.

Conclusion

Although the proposed action could lead to horizontal enlargements of the existing first and second floors of the one building within the affected area, it would not result in a vertical enlargement or new development elsewhere within the Affected Area. The overall building height would not change. The enlarged building would not be out of scale with existing nearby buildings; with the expansion of the building's footprint and the completion of a full second story, the building's profile would more closely resemble that of the new nearby large-footprint and low-rise structures that define the Affected Area's built form, the cineplex and the parking garage, than it currently does, although it would still be smaller than either of those structures. The enlarged building would also not block or diminish existing views of the waterfront, which is the one visual resource identified in the area. The proposed action would not have a significant adverse impact on urban design or visual resources, and no further analysis is needed.

2761 Plumb 2nd Street, Brooklyn
Figure 10-1: Urban Design Diagram

No-Action Scenario
Harkness Avenue facing north (Site at right)



With-Action Scenario
Harkness Avenue facing north (Site at right)



2761 Plumb 2nd Street, Brooklyn
Figure 10-1: Urban Design Diagram

No-Action Scenario
Harkness Avenue facing northeast (Site ahead)



With-Action Scenario
Harkness Avenue facing northeast (Site ahead)



2761 Plumb 2nd Street, Brooklyn
Figure 10-1: Urban Design Diagram

No-Action Scenario
Harkness Avenue facing west (Site ahead)



With-Action Scenario
Harkness Avenue facing west (Site ahead)



11. NATURAL RESOURCES

Introduction

A natural resource is defined 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. According to the *CEQR Technical Manual*, two possibilities determine whether an adverse impact on a natural resource might occur, and therefore, whether an assessment may be appropriate: (1) the presence of a natural resource on or near the site of the project; and (2) disturbance of that resource caused by the project. If the following are true for a given project, states the *CEQR Technical Manual*, then no natural resources assessment is necessary:

- The site of the project and the immediately adjacent area are substantially devoid of natural resources. Or, the project site either contains, or is near or contiguous to, natural resources or important subsurface conditions, but no activity associated with the project would disturb them, either directly or indirectly.
- The project site contains no "built resource" that is known to contain or may be used as a habitat by a protected species as defined in the Federal Endangered Species Act (50 CFR 17) or the State's Environmental Conservation Law (6 NYCRR Parts 182 and 193).
- The project site contains no subsurface conditions, the disruption of which might affect the function or value of an adjacent or nearby natural resource.
- If the proposed project involves the disturbance of a natural resource, the disturbance has been deemed insignificant by a government agency with jurisdiction over that resource and conditions have not changed significantly since the agency determination was made. An example would be the repair or replacement of piers, piles, bulkheads, and other waterfront structures. These types of projects have been classified as environmentally insignificant in the U.S. Army Corps of Engineers' (USACE) "Nationwide Permit."

Need for a Preliminary Assessment

The affected area is located in the Sheepshead Bay neighborhood of Brooklyn and consists of two Applicant-owned lots separated by Harkness Avenue (Block 8841, Lot 500 (2761-2777 Plumb 2nd Street), and Block 8844, Lot 340 (1 Plumb 3rd Street)), as well as parts of the upland portions of three adjacent non-Applicant-owned lots that extend into Shell Bank Creek (Block 8841, Lots 450 (p/o) and 525 (p/o), and Block 8844, Lots 342 (p/o) and 345 (p/o), and the northern edge of a lot located within the paved roadway of Harkness Avenue (Block 8841, Lot 490). The affected area is thus directly adjacent to Shell Bank Creek, which is itself a natural resource. A preliminary assessment is therefore appropriate.

Existing Conditions

<u>Affected Area</u>

The two Applicant-owned lots comprise the project area. The larger of the two lots (Block 8841, Lot 500, on the north side of Harkness Avenue) measures 37,450 sf. The commercial building on

the lot has a footprint of 12,961 sf, occupying 35 percent of the lot. The building is on slab, with no subsurface level or foundation. It has a partial second floor and a mezzanine, and it has a total of 15,614 gsf. The rest of the lot is surfaced in asphalt, with parking areas on the south, east and west sides, an outdoor seating area on the north side, and a loading area on the west side of the building. The other lot (Block 8844, Lot 340, located south of Harkness Avenue and east of Plumb 3rd Street) is a 3,684 square foot asphalt-paved accessory parking lot. Impermeable surfaces occupy the entirety of both lots.

The affected portions of four of the five other lots are narrow strips of land located to the north and east of the project area, separating the Applicant-owned properties from Shell Bank Cree, and the remaining lot (Block 8841, Lot 490 (p/o)) is part of the paved roadway of Harkness Avenue. Block 8841, Lot 525, located north of the western part of Block 8841, Lot 500, is a privately owned lot; the upland portion adjacent to the project area is approximately ten feet wide and consists of unconsolidated rock, as well as locust trees and other upland vegetation. The upland portion of Block 8841, Lot 450, located to the north and east of the rest of Block 8841, Lot 500, is an even narrower City-owned parcel that is separated from Lot 500 by opaque wooden fencing. East of the parking lot are Block 8844, Lots 342 and 345, which are owned by Parkway Fishing Center. The affected upland portions consist of a grass-covered strip and a hard surface walkway leading to the fishing center's main property to the south, as well as a boat dock accessible from the walkway.

Block 8841, Lot 500, has been connected to the municipal sewer system since 2004. Storm water drains are located in the lot's parking areas.

The affected area was originally part of a tidal marsh, which was filled sometime between 1924 and 1930. A one-story building was constructed on Block 884, Lot 500, in 1931, and a gas station was developed to the building's east sometime during the 1930s or 1940s. The one-story building was converted to restaurant use and was enlarged during the 1980s. The gas station was closed and demolished in the late 1980s, and parking for the restaurants has occupied its former location since that time. Sometime during the 1930s or 1940s a single-family home was built on Block 8844, Lot 340. The home was demolished during the 1980s, and the lot has been used for surface parking ever since. Aerial photographs taken in 1996 show the affected area in its current condition.

The current elevation is approximately 9 feet NAVD88, which is below the one percent flood elevation of 11 feet. As shown in the New York City Flood Hazard Mapper, the affected area is within a 100- year-floodplain as designated on FEMA's 2015 preliminary flood maps and is within flood zone AE.

The shoreline to the east of the affected area is bulkheaded. The shoreline to the north is predominantly soft. The affected area is adjacent to regulated wetland area to the north on Block 8841, Lot 525, to the northeast on Block 8841, Lot 450, and to the east on Block, 8844 Lots 342 and 345.

Nearby properties to the west and to the south of Block 8841, Lot 500, are fully developed with paved parking lots, a commercial parking garage, a cineplex, and smaller commercial establishments, with no permeable surfaces. A former one-family home that is now a

photography, film, and video studio is located to the south of the accessory parking lot, and the Parkway Fishing Center.

Because the affected area was originally part of the wetlands within the Jamaica Bay watershed, it is mapped as protected wetlands, and the project area is adjacent to regulated wetland area. As stated above, however, wetlands have not occupied any part of the project area for almost a century, and a building and paved surfaces have occupied the entirety of both properties at least since 1996.

Shell Bank Creek

Shell Bank Creek is a tidal estuary that flows through Gerritsen Inlet into Jamaica Bay. (The completed Jamaica Bay Watershed Protection Plan Project Tracking Form is attached as Appendix E.) Over the years the creek has been modified through realignment, landfilling and dredging to become a commercial channel. The edges of the creek have also been modified, resulting in hardened shorelines along a substantial portion of the creek. The National Wetlands Inventory classifies Shell Bank Creek (excluding an area near the mouth of the creek) as estuarine subtidal wetlands with unconsolidated bottom that is permanently flooded with tidal water (formally designated "E1UBL," or an estuary (E) in subsystem 1 (more than 2.5 meters deep at low water) with an unconsolidated bottom (UB) according to the Lacustrine (L) classification system of wetland and deep water habitats).[1] The New York State Department of Environmental Conservation classifies the creek as saline surface water within Class SB (suitable for fish propagation and survival).[2] The hydrodynamic and estuarine character of Shell Bank Creek's system, coupled with the numerous municipal and industrial discharges that have occurred over many years make it a physically harsh environment. Therefore, many of the species using the area are tolerant of highly variable conditions.

Future Conditions without the Proposed Action

Absent the proposed action, conditions within the affected area would not change, and no nearby land use changes are anticipated. No changes to the condition of the creek are anticipated.

Future Conditions with the Proposed Action

If the proposed rezoning occurs, the existing uses would continue, as they would under future no-action conditions, but it is assumed (for the sake of a conservative CEQR analysis) that the existing building would be enlarged to maximize the permissible commercial FAR of 1.00. That would involve the addition of 21,836 gsf, which would increase the amount of floor area on the site from the current 15,614 gsf (and zsf) to 37,450 gsf (and zsf). The ground floor would be enlarged by 8,154 gsf (from the current 12,961 sf to 21,115 sf), but the larger increase would result from the enlargement of a 1,949 sf partial second floor and a 704 sf mezzanine into a 16,336 sf second floor (an increase of 13,683 sf). Building height would not increase.

[1] Coney Island Rezoning FEIS (08DME007K, 2009) p. 10-9 and Figure 10; https://www.fws.gov/wetlands/Data/Wetland-Codes.html.
[2] Coney Island Rezoning FEIS p. 10-18.

As is currently the case, the entire project area would consist of impermeable surfaces. Also, storm water drains would be located in the lot's parking areas, as is currently the case. The projected building enlargement would not result in additional runoff or discharges into Shell Bank Creek.

Because the affected area is within a 100-year floodplain, any horizontal enlargement of the existing building would need to comply with the New York City Building Code provisions applicable to such a flood hazard area, and a Certificate of Occupancy would be issued only if "the structure was constructed with methods and practices that minimize flood damage and that are in accordance with approved plans, and with any applicable provisions of Appendix G of the New York City Building Code and ASCE 24." There would be no grading or alteration of the site's topography, no subsurface level, and minimal ground disturbance. The only ground disturbance would be the driving of piles to support the structure.

The current building height of 38 feet would not be increased. The projected building enlargement would not have a significant adverse shadow impact on the creek.

The projected enlargement of the building would not introduce or intensify any land use that involves the storage or use of hazardous substances or petroleum products. Also, because prior on-site and/or surrounding area land uses could have resulted in environmental contamination, and because testing is not physically possible during the CEQR process, an (E) designation for hazardous materials will be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject properties. The (E) designation will ensure that Phase II testing and, if deemed necessary, remediation will be performed before any future development and/or soil disturbance. The testing protocol and test results would be subject to review and approval by the Mayor's Office of Environmental Remediation (OER), as would any remedial action plan or construction health and safety plan. With this (E) designation in place, no significant adverse impacts related to hazardous materials are expected.

The proposed action would not result in the removal or destruction of vegetation; the installation of drainage systems; the construction of storm or sewer outfalls; changes that would increase scouring, erosion, or transport of soil, silt, or sediments.

Because the project site contains regulated wetland adjacent area, any horizontal enlargement of the existing building or new development on the site may require permits from the New York State Department of Environmental Conservation, in which case further assessment of potential impacts may be required.

The proposed action would not affect the ecology of the creek.

Conclusion

The affected area is adjacent to Shell Bank Creek and was originally part of a tidal marsh within the Jamaica Bay watershed, so it is a regulated wetland adjacent area. The tidal marsh was filled during the latter 1920s, and the affected area does not contain wetlands. The entire project site now consists of impermeable surfaces (a building and paved parking areas). Also, storm water drains would be located in the lot's parking areas, as is currently the case. The projected building enlargement would therefore not result in additional runoff or discharges into Shell Bank Creek

or in the removal of existing vegetation. There would be no grading or alteration of the site's topography, no subsurface level, and minimal ground disturbance (the driving of piles to support the structure). An (E) designation for hazardous materials will be placed on the zoning map to require that Phase II testing and, if deemed necessary, remediation will be performed before any future development, horizontal enlargement, or soil disturbance. Because the project site contains regulated wetland adjacent area, any new development or horizontal enlargement of the existing building may require permits from the New York State Department of Environmental Conservation, in which case further assessment of potential impacts may be required. For these reasons, the proposed action would not have a significant adverse impact on natural resources, and no further assessment is required.

12. HAZARDOUS MATERIALS

Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment (ESA) of the project site (Block 8841, Lot 500, and Block 8844, Lot 340, in the Sheepshead Bay neighborhood of Brooklyn) was performed in July 2019, in conformance with the scope and limitations of ASTM Practice E 1527-13. The purpose of the study was to identify any "recognized environmental conditions" through research into the history and uses of the site and surrounding area, an inspection of the subject property and a survey of adjoining and nearby uses, and a review of available regulatory agency records and environmental databases.

Block 8841, Lot 500, is an approximately 37,450 square feet in area improved with what the ESA refers to as three separate but attached commercial buildings. The westernmost building is a 2-story (on slab), wood-frame structure. The first floor is occupied by Cold Stone Creamery, a retail ice cream store. The second floor contained an insurance brokerage office at the time of the site visit. The central building is a one-story (on slab), wood frame structure occupied by Jordan's Lobster Dock/Jordan's Clam Bar, a seafood restaurant and retail seafood store. The easternmost building is a one-story (on slab), masonry and steel frame structure occupied by TGI Fridays restaurant. None of the uses involve the storage or use of hazardous substances or petroleum products. Exterior portions of this lot consist of asphalt paved parking areas on the south, east and west sides, an outdoor seating area on the north side, and a loading area on the west side of the building. Block 8844, Lot 340 is a 3,684 square foot asphalt-paved parking lot for 17 cars.

Typical lavatory drainage structures such as sinks and toilets are present in the subject building. In addition, several floor drains were observed in the building, and storm water drains were observed in the parking areas. The project site has been connected to the municipal sewer system since 2004, and the drainage structures at the site discharge to this system. Prior to 2004, the drainage structures at the site discharged to an on-site septic system, which was closed when the building was connected to the sewer system.

Heat and hot water for the buildings are provided by gas-fired systems. No aboveground storage tanks (AST), or indications of the presence of underground storage tanks (USTs), such as tank fill ports, vent lines, associated mechanical equipment, etc., were observed at the subject property during the site visit. There are three 550-gallon, single-walled steel gasoline underground storage tanks (USTs), and one 3,000-gallon single-walled steel diesel fuel UST located on the east side of Block 8841, Lot 500. These tanks were registered with the New York State Department of Environmental Conservation and were closed in place in the late 1980s.

The project site is adjoined to the north and east by Shell Bank Creek, a tidal water body. Adjacent to the south of the site is a parking garage and a residential dwelling. Adjacent to the west of the site is a parking lot. Land uses in the immediate vicinity of the property (i.e., within approximately 500 feet of the site) are restaurants and retail stores, a movie theater, parking lots, and boat yards/ marinas. No gasoline filling stations or heavy industrial uses were identified in the immediate vicinity of the project site.

Research into the history of the project site shows that the subject property was originally part of a tidal marsh, which was filled sometime between 1924 and 1930. The materials used to fill the project site are not known.

Sometime between 1930 and 1950, a 2-story dwelling was constructed on Block 8844, Lot 340. This dwelling occupied the lot until the 1980s, at which time it was demolished. The lot was converted to an asphalt-paved parking lot and has been used as such since the demolition of the dwelling. It is not known how the dwelling was heated (i.e., oil, gas, coal, electric, etc.). Any fuel oil tanks that were not removed from the site at the time the dwelling was demolished may remain at the subject property.

Sometime between 1930 and 1950 (most likely in 1931), a one-story building was constructed on the southeast portion of Block 8841, Lot 500. The identified uses in this building were centrifugal casting from 1950 to the 1970s and unspecified commercial uses in the early 1980s. It is not known what type of products were being manufactured in the building, or if the centrifugal casting operations involved the use of hazardous substances or petroleum products.

The uses on Block 8841, Lot 500, also included a boat yard/marina from at least 1950 to the early 1980s. Boat yards/marinas are types of operations that typically involve the storage or use of hazardous substances and petroleum products. Any past spills, leaks or discharges of such materials would be a potential source of contamination to the project site.

Sometime between 1930 and 1950, a gasoline filling station/fueling station was constructed on the east side of Block 8841, Lot 500. This station operated until the late 1980s, at which time the station and the associated tanks were closed. This part of the site has been used for parking since that time. No tank tightness testing results, or the result of soil or groundwater samples collected from around the tanks, were provided to or obtained by Environmental Studies Corp. Any past spill or leaks from the former fueling operations, or from USTs associated with this filling station, would be a potential source of contamination to the project site.

The existing building was constructed at the site between 1982 and 1990 and has been occupied by restaurants/food service operations, and a professional office use since its construction.

A review of historical Sanborn maps shows that the adjacent and surrounding properties in 1930 were all vacant, undeveloped lots. From at least 1950, the adjoining and surrounding uses have included marinas/boat yards, residential dwellings, and recreational uses (i.e., day camp, yacht and cabana club). No heavy industrial uses or gasoline filling stations are identified in the immediate vicinity of the project site on any of the historical Sanborn maps reviewed. There were not any potential off-site sources of contamination identified in the immediate vicinity of the project site which are considered likely to have impacted the subject property.

The subject property is identified in the New York State Department of Environmental Conservation (NYSDEC) Spills database and Petroleum Bulk Storage (PBS) database. Spill Number 1803818 was assigned to 3165 Harkness Avenue on 7/9/18 following a report of raw sewage coming from a pipe in the building at 3165 Harkness Avenue to Shell Bank Creek. According to the spill report, the incident was transferred to the water division, and the spill incident was closed by the NYSDEC on 7/10/18. Given that this incident involved raw sewage

and not hazardous substances or petroleum products, it is considered unlikely that it would have impacted the project site.

The property is not identified in any of the other Federal or State environmental databases reviewed, including the USEPA's Superfund, CERCLIS or ERNS databases, the RCRA Hazardous Waste Generators or Treatment/Storage/Disposal Facilities lists, or the NYSDEC's Solid Waste Facilities database, Brownfield site database, Voluntary Cleanup Program list or the Registry of Inactive Hazardous Waste Disposal Sites.

In summary, the ESA revealed the following recognized environmental concerns:

- The potential for impacts to soil and groundwater from past marina/boat yard operations at the project site, including the potential for a vapor encroachment condition to existing or future buildings at the site.
- The potential for impacts to soil and groundwater on the east side of the project site from past fueling operations or leaks from underground storage tanks in the area, including the potential for a vapor encroachment condition to future buildings on the east side of the site.
- The presence of fill materials of an unknown origin at the project site.

(E) Designation

The New York City Department of Environmental Protection (DEP) reviewed the Phase I ESA and responded as follows in correspondence dated July 30, 2021 (which is included in Appendix C):

> "Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:
>
> **Block 8841, Lot 500 and Block 8844, Lot 340**
>
> Based on prior on-site and/or surrounding area land uses which could result in environmental contamination and testing is not physically possible during the CEQR process, DEP concurs with the EAS recommendation that an (E) Designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject properties. The (E) Designation will ensure that testing and remediation will be provided as necessary before any future development and/or soil disturbance. Further hazardous materials assessments should be coordinated through the Mayor's Office of Environmental Remediation."

An (E) designation for hazardous materials would therefore be placed on the zoning map for both lots within the Affected Area. The hazardous materials text of E-698 would be as follows:

> **Block 8841, Lot 500**
> **Block 8844, Lot 340**
>
> **Task 1-Sampling Protocol**

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum-based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Conclusion

The (E) Designation (E-698) will ensure that testing and remediation will be provided as necessary before any future development and/or soil disturbance, and that the testing and (if necessary} would be coordinated through the Mayor's Office of Environmental Remediation. With this (E) designation in place, no significant adverse impacts related to hazardous materials are expected, and no further analysis is warranted.

16. TRANSPORTATION

Introduction

This EAS analyzes the potential impacts that might be associated with a proposed zoning map amendment to change the zoning of an in Brooklyn's Sheepshead Bay from C3 to R3-2/C2-3. The affected area consists of two Applicant-owned lots separated by Harkness Avenue (Block 8841, Lot 500 (2761-2777 Plumb 2nd Street), and Block 8844, Lot 340 (1 Plumb 3rd Street)), as well as parts of five adjacent non-Applicant-owned lots (Block 8841, Lots 450 (p/o), 490 (p/o), and 525 (p/o), and Block 8844, Lots 342 (p/o) and 345 (p/o). Block 8841, Lot 500 (2761-2777 Plumb 2nd Street), is developed with a 15,614 gsf building with three eating and drinking establishments (one of which is also engaged in the retail sale of fish and shellfish) and 79 accessory surface parking spaces. Block 8844, Lot 340 (1 Plumb 3rd Street), is a 3,684 sf accessory parking lot providing an additional 17 parking spaces for the commercial establishments at 2761-2777 Plumb 2nd Street. The two lots are under common ownership, and a restrictive declaration recorded in April 2018 requires1 Plumb 3rd Street's continued use as an accessory parking lot for the commercial establishments at 2761-2777 Plumb 2nd Street. The parking lots are attended. The affected portions of the five other parcels consist of narrow strips of undeveloped land located between the Applicant-owned lots and Shell Bank Creek, a narrow waterfront walkway, or, in one case, part of the paved roadway of Harkness Avenue.

Because the proposed rezoning would permit an increase in the amount of commercial floor at 2761-2777 Plumb 2nd Street, and the EAS assumes that a 21,836 gsf addition would be built, this section provides a trip generation screening analysis to determine the potential for the proposed action to result in significant adverse transportation impacts. Because the proposed rezoning would relax the accessory off-street parking requirement for the commercial development, this section also includes a parking utilization study to determine the potential for the proposed action to result in a significant adverse parking impact.

Road Network

The affected area is located within a small, isolated street grid bounded by Shell Bank Basin to the north and west, Shore Parkway to the south, and Knapp Street (classified as a principal arterial roadway by the New York State Department of Transportation) to the west. (See Figure 16-1.) All four streets within the grid are classified as local roadways, and all intersections (including those with the adjacent arterials) are unsignalized. Harkness Avenue is the one east-west street; Plumb 1st, 2nd, and 3rd Streets run north-south. The restaurants are located on the north side of Harkness Avenue between Plumb 2nd and 3rd Streets, and the separate parking lot is at the southeast corner of Harkness Avenue and Plumb 3rd Street. Harkness Avenue is two-way between Knapp Street and Plumb 2nd Street but one-way eastbound between Plumb 2nd and 3rd Streets. Plumb 3rd Street is one-way southbound. Vehicles travelling to the site therefore travel eastward from Knapp Street, and vehicles travelling from the site travel southbound on East 3rd Street to Shore Parkway.

Trip Generation

Level 1 Screening Assessment

A screening analysis was conducted to determine whether the additional trips to and from the project site generated by the restaurant enlargement would equal or exceed any of the *CEQR*

Technical Manual thresholds for additional analysis. The transportation thresholds of concern are 50 peak hour vehicle trips (with "trips" referring to trip ends), 200 peak hour transit trip ends, and 200 peak hour pedestrian trips. Significant adverse transportation impacts are generally considered unlikely for actions that would not generate these numbers of new vehicles, subway or bus riders, or pedestrians.

The transportation screening analysis prepared for the proposed restaurant enlargement is based on the difference between future with-action conditions and future no-action conditions (i.e., an additional 21,836 gross square feet of restaurant space).

Trip Generation Rates, Temporal Distribution, and Modal Split

Project-generated vehicular, transit, and pedestrian trips are estimated based on the person trip generation rate for the proposed land use, the temporal distribution of those trips, the travel modes used for those trips (the modal split), and the average number of persons traveling together in each car or taxi (vehicle occupancy). The rates used to project the trips resulting from the restaurant enlargement are those used in the recently approved Douglaston Parkway & Northern Boulevard Rezoning EAS (CEQR # 06DCP092Q, August 2018). The modal split is as follows: 75 percent by car, 0 percent by taxi, 10 percent by public transit, and 15 percent by foot. The travel assumptions are shown in Table 16-1.

Linked Trip Credit

The purpose of a trip generation analysis is to identify the number of *additional* trips to and from a location that would occur *because* of the proposed project. The addition of restaurant space would allow the restaurants at the site to accommodate more patrons. If the additional patrons travel to this location in Sheepshead Bay for the purpose of eating at one of the establishments, that is a project-generated trip to the site (and another project-generated trip from the site). If a person travels past the project site or to a location very near the project site for some other reason and, while there, makes an additional stop at one of the project site eating establishments, that would not count as a project-generated trip. It would be part of a "linked trip" that would occur regardless of the restaurant's presence. The deduction of such trips from the total is known as a linked trip credit.

The project site is in a fairly remote location but is across the street from a multiplex cinema (the United Artists Sheepshead Bay 14 IMX & RPX). Because the eating and drinking establishments (a TGI Friday, a Coldstone Creamery, and a clam bar) are not destination restaurants, it is apparent that almost much of the clientele would consist of theatergoers. Evidence of this can be found in the results of the 2017 parking utilization study (discussed below), which found that the restaurants' accessory parking spaces are underutilized relative to applicable accessory off-street parking requirements. Presumably, this is because patrons park in the theater's parking lot (because the theater is their primary destination) or in a commercial parking garage across the street from the theater.

For this reason, it was assumed that 60 percent of restaurant patrons are residents of the nearby community who travel to the site to eat and that 40 percent are theater patrons. A linked trip credit of 40 percent has been taken. This is shown in Table16-1.

Table 16-1: Transportation Planning Factors

Land Use:	Restaurant **(1)**
Size/Units:	21,836 gsf
Trip Generation:	
Weekday	173
Saturday	181
	per 1,000 sq.ft.
Linked-Trips	40%
Temporal Distribution:	
AM Peak Hour	0.9%
MD Peak Hour	6.2%
PM Peak Hour	8.3%
Saturday Midday Peak Hour	11%
Modal Split :	AM/MD/PM/Sat.Mid.
Auto	75%
Taxi	0%
Public Transit	10%
Walk	15%
Total	100%
In/Out Splits:	In/Out
AM Peak Hour	94/6
MD Peak Hour	50/50
PM Peak Hour	67/33
Saturday Midday Peak Hour	50/50
Auto Occupancy:	
Weekday	2.2
Saturday	2.5
Truck Trip Generation:	
Weekday	3.6
Saturday	3.6
	per 1,000 s.f.
AM Peak Hour	6%
MD Peak Hour	9%
PM Peak Hour	1%
Saturday Midday Peak Hour	0%
AM/MD/PM/Saturday Midday	50/50

Source:

(1) Douglaston Parkway & Northern Boulevard Rezoning EAS (CEQR # 06DCP092Q), August 2018, except for linked trips.

Person Trips

The proposed action would generate a total of 20 person trips during the AM (8AM-9AM) peak hour period, 141 person trips during the Midday (12Noon-1PM) peak hour time period, 188

person trips during the PM (5PM-6PM) peak hour time period, and 261 person trips during the (1PM-2PM) Saturday peak hour time period, as is shown in Table 16-2.

Table 16-2: Estimated Person Trips

Land Use:	Restaurant	Total Net	subway
	gsf	Demand	bus
Size/Units:	21,836		walk
Peak hour Trips			Pedestrian
AM Peak Hour	20	20	volumes
Midday Peak Hour	141	141	
PM Peak Hour	188	188	
Saturday Midday Peak Hour	261	261	
Person Trips:			
AM Peak Hour			
By Auto	15	15	
By Taxi	0	0	
By Public Transit	2	2	2
Walk	3	3	3
Total	20	20	5
Midday Peak Hour			
By Auto	105	105	
By Taxi	0	0	
By Public Transit	14	14	14
Walk	21	21	21
Total	141	141	35
PM Peak Hour			
By Auto	141	141	
By Taxi	0	0	
By Public Transit	19	19	19
Walk	28	28	28
Total	188	188	47
Saturday Midday Peak Hour			
By Auto	196	196	
By Taxi	0	0	
By Public Transit	26	26	26
Walk	39	39	39
Total	261	261	65

Vehicle Trips

The proposed action would generate a total of 13 vehicle trips during the AM (8AM-9AM) peak hour period, 56 vehicle trips during the Midday (12Noon-1PM) peak hour time period, 66 vehicle trips during the PM (5PM-6PM) peak hour time period, and 78 vehicle trips during the (1PM-2PM) Saturday peak hour time period, as is shown in Table 16-3.

As explained above under Roadway Network, vehicles travel different routes to and from the affected area, approaching from Knapp Street via Harkness Avenue and exiting onto either Shore Parkway via Plumb 3rd Street. Inbound and outbound vehicles do not travel the same roadways and do not pass through the same intersections. As shown in Table 16-3, the proposed action would generate a total of 10 inbound vehicle trips during the AM peak hour period, 28 inbound vehicle trips during the Midday peak hour time period, 44 inbound vehicle trips during the PM peak hour time period, and 39 inbound vehicle trips during the Saturday peak hour time period. The proposed action would generate a total of 3 outbound vehicle trips during the AM peak hour period, 28 outbound vehicle trips during the Midday peak hour time period, 22 outbound vehicle trips during the PM peak hour time period, and 39 outbound vehicle trips during the Saturday peak hour time period.

The proposed action would therefore generate fewer than 50 net peak hour vehicle trips through any intersection, and based upon the *CEQR Technical Manual*, would not result in any of the conditions that would typically trigger the need for a detailed assessment of traffic and parking impacts.

Transit Trips

The proposed action would generate a total of 2 transit trips during the AM (8AM-9AM) peak hour period, 14 transit trips during the Midday (12Noon-1PM) peak hour time period, 19 transit trips during the PM (5PM-6PM) peak hour time period, and 26 transit trips during the (1PM-2PM) Saturday peak hour time period, as is shown in Table 16-2.

The proposed action would therefore generate fewer than 200 peak hour transit trips, and based upon the *CEQR Technical Manual*, would not result in any of the conditions that would typically trigger the need for a detailed assessment of transit impact.

Pedestrian Trips

Pedestrian trips include not only the trips by people who walk the entire way to and from the project site, but also those by people who walk between a bus stop or subway station and the site. The proposed action would generate a total of 5 pedestrian trips during the AM (8AM-9AM) peak hour period, 35 pedestrian trips during the Midday (12Noon-1PM) peak hour time period, 47 pedestrian trips during the PM (5PM-6PM) peak hour time period, and 65 pedestrian trips during the (1PM-2PM) Saturday peak hour time period, as is shown in Table 16-2.

Table 16-3: Estimated Vehicular Trips

Vehicular Trips	Restaurant	Total	
AM Peak Hour			
Auto (Total)	7	7	
Taxi	0	0	
Taxi (Balanced)	0	0	
Truck	5	5	
Truck(Balanced)	6	6	
Total	13	**13**	
In/out	9/3	10/3	10
Midday Peak Hour			
Auto (Total)	48	48	
Taxi	0	0	
Taxi (Balanced)	0	0	
Truck	7	7	
Truck(Balanced)	8	8	
Total	56	**56**	
In/out	24/24	28/28	28
PM Peak Hour			
Auto (Total)	64	64	
Taxi	0	-2	
Taxi (Balanced)	0	0	
Truck	1	1	
Truck(Balanced)	2	2	
Total	66	**66**	
In/out	37/18	44/22	44
Saturday Midday Peak Hour			
Auto (Total)	78	78	
Taxi	0	0	
Taxi (Balanced)	0	0	
Truck	0	0	
Truck(Balanced)	0	0	
Total	78	**78**	
In/out	33/32	39/39	39

The proposed action would generate fewer than 200 peak hour pedestrian trips, and based upon the *CEQR Technical Manual*, would not result in any of the conditions that would typically trigger the need for a detailed assessment of pedestrian conditions.

Trip Generation Conclusions

The results of the Level 1 trip generation screening analysis reveal that the proposed action would not generate a sufficient number of vehicular, transit, or pedestrian trips during any peak hour to cause a significant adverse transportation impact, and further analysis is not warranted.

Parking

The proposed action would also reduce the accessory off-street parking requirement for restaurant space from one parking space for every 150 sf of floor area to one space for every 400 sf. A parking analysis is therefore necessary.

A parking utilization study was conducted by Stonefield Engineering and Design in late 2017. At that time the project site contained 15,614 gsf of restaurant space, the same as under both existing and future no-action conditions. The accessory parking at the time was unattended, and the secondary lot at 1 Plumb 3rd Street was not marked to show parking space locations. As a result, the two lots contained an effective total of 58 accessory off-street parking spaces (46 at 2761 Plumb 2nd Street and 12 at 1 Plumb 3rd Street). The restriping of the two lots and the introduction of valet parking, both of which occurred in 2018, has increased the effective total to 96 accessory off-street spaces (79 at 2761 Plumb 2nd Street and 17 at 1 Plumb 3rd Street). (There are also 12 on-street parking spaces adjacent to the restaurant.)

Stonefield field-verified the effective number of parking spaces and performed counts of the number of parked cars on Thursday, October 26, 2017. The counts were conducted at ten-minute intervals between 6 PM and 11 PM (the peak period for restaurant use).

The maximum number of cars parked in the two lots was 43, at 9:20 PM. With 15,614 gsf of restaurant space generating a maximum of 43 parked vehicles, the peak rate was one space per 363.12 sf.

The parking study report, dated February 15, 2018, appears as Appendix D to this report.

A requirement of one off-street space for every 400 sf of restaurant space more realistically reflects the actual parking demand than does the existing requirement of one space per 150 sf, which results in a low utilization of the accessory parking lots. This is consistent with the observation that most restaurant patrons are also patrons of the cineplex located at the southeast corner of Harkness Avenue and Plumb 2nd Street, which has its own accessory parking lot across Plumb 2nd Street from the restaurant. The projected restaurant enlargement, to 37,450 gsf, would eliminate two accessory off-street spaces, reducing the number to 94, and would result in a

requirement for 94 spaces, which would be provided. The proposed action would not be expected to result in a significant adverse parking impact.

Conclusion

The results of the transportation screening analyses indicate that the proposed action would generate fewer than 50 vehicle trip ends during the AM, Midday, PM and Saturday MD peak hour time periods. No significant adverse impacts related to traffic and parking conditions are anticipated to occur. Similarly, no significant adverse impacts related to transit and pedestrians would be expected. No significant adverse impacts related to transportation would occur as a result of the proposed restaurant enlargement, and no further assessment is warranted.

17. AIR QUALITY

Introduction

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under the City Environmental Review (CEQR), an air quality assessment determines both a proposed project's effects on ambient air quality and the effects of ambient air quality on the project.

Mobile Source

Screening analyses for the project's peak hour auto traffic and peak hour heavy-duty diesel vehicle (HDDVs) traffic were conducted. Per the *CEQR Technical Manual*, a detailed analysis for carbon monoxide (CO) is required if the project generated peak hour auto traffic or diversion of existing peak hour traffic would result in an increment of 170 auto trips (in this area of the city). A detailed analysis for particles with an aerodynamic diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$) is required if the project generated peak hour HDDVs traffic or its equivalent in vehicular emissions, depending on the type of road, would meet or exceed certain thresholds depending on the type of road.

According to the transportation analysis for this project, the Proposed Project would generate a total of 10, 32, 34, and 39 net vehicle trip ends (inbound and outbound combined) during the AM, Midday, PM, and Saturday Midday peak hour periods, respectively. The peak-hours project-generated traffic would not exceed the threshold of 170 vehicular trips (condition outlined in Sections 210 of Chapter 17 of *the CEQR Technical Manual*). Therefore, no CO detailed analysis is required.

The $PM_{2.5}$ equivalent truck calculation in vehicular emission screen ranges from 12 to 23 HDDVs depending on the type of road. Inbound project generated traffic would travel to the site through Harkness Avenue and outbound traffic would travel on Plumb 3rd Street. Harkness Avenue (local roadway, 12 HDDVs) is a two-way street west of Plumb 2nd Street and a one-way street eastbound east of Plumb 2nd Street. Plumb 3rd Street (12 HDDVs) is a one-way Street southbound. Screening analysis was conducted for Harkness Avenue. The maximum traffic on Harkness Avenue would be the inbound vehicles. For analysis purpose, all autos were assumed to be LDGT1 class vehicles, based on guidance from the New York City Department of City Planning (DCP). The worst-case HDDVs or its equivalent in vehicular emissions would result in a maximum of 9.4 equivalent trucks. **Table 17-1** shows the maximum project-generated traffic traveling on Harkness Avenue and the *CEQR Technical Manual* Equivalent Truck Calculation.

Table 17-1: *CEQR Technical Manual* Equivalent Truck Calculations

Roadway	Roadway Classification (Threshold HDDVs screen) (2)	Peak-Hour Period	Truck Per Hour	Auto Per Hour	Equivalent Truck	Pass / Fail
Harkness Avenue (1)	Local Roadway (12)	AM	3	2	3.5	Pass
		Midday	4	12	9.1	Pass
		PM	1	16	8.5	Pass
		Sat Midday	0	20	9.4	Pass

Note:

1. Maximum project-generated traffic on Harkness Avenue is half of the incoming/outgoing (DCP guidance for this project).
2. New York State Department of Transportation (NYSDOT) Functional Class Viewer <https://gis3.dot.ny.gov/html5viewer/?viewer=FC> (December 2021).

As seen in **Table 17-1**, the Proposed Project HDDVs or its equivalent in vehicular emissions does not meet or exceed the *CEQR Technical Manual* threshold(s). Therefore, the Proposed Action equivalent in vehicular emissions passes the $PM_{2.5}$ HDDVs screening analysis, and no detailed analysis is required.

Based on DCP guidance on similar projects, the projected number of new parking spaces to be added is evaluated with a threshold criterion to predict whether the potential impacts associated with mobile source emissions could be significant. If the threshold is met or exceeded, a detailed analysis is warranted. The Proposed Action would result in a slight decrease (-2) of accessory parking spaces. In addition, the Proposed Project is not located within 200 feet of an atypical roadway. Therefore, no analysis is required.

Stationary Source

Heating and Hot Water System(s)

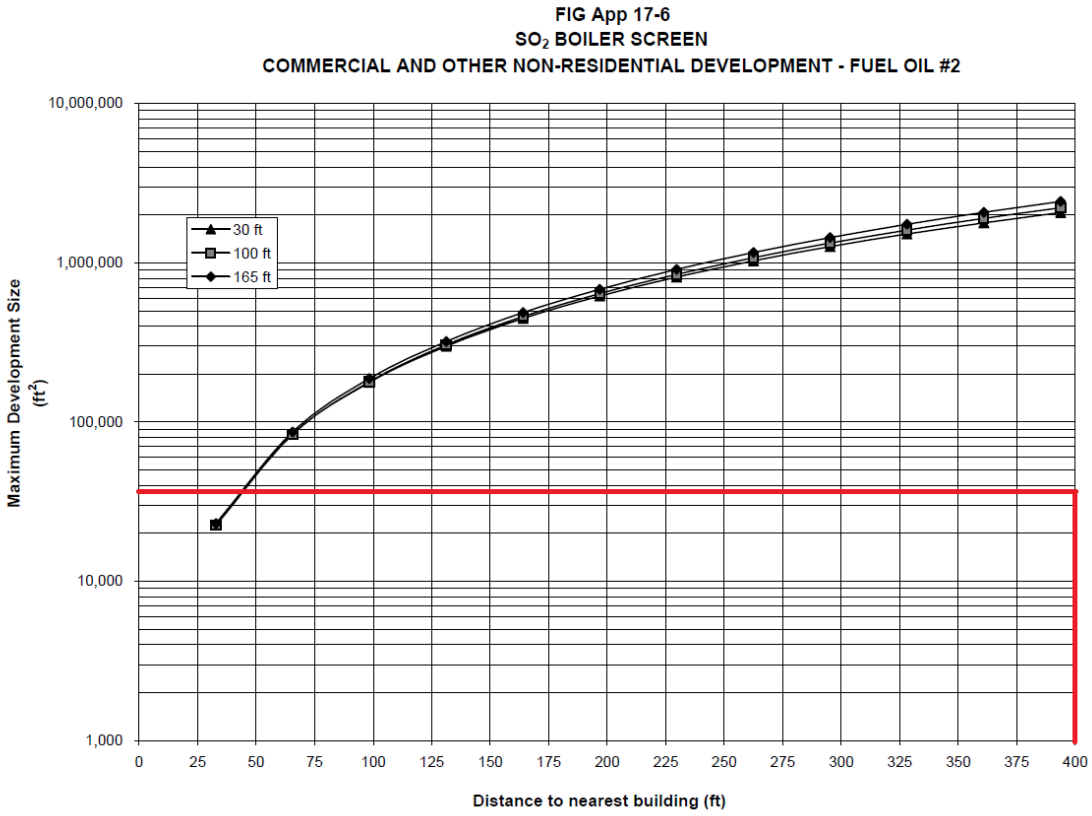
The heating/hot water, ventilation, and air conditioning (HVAC) system analysis considers the potential for emissions from the HVAC system(s) of a development(s) to significantly impact land uses in the area. Based on the *CEQR Technical Manual*, a preliminary screening assessment is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system(s) boiler emissions can be significant. The screening analysis determines the threshold of a development size below which the action would not have a significant impact.

The potential for the heat and hot water system(s) to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used by the HVAC system, the height of the stack venting the emissions, the distance to the nearest building of similar or greater height, and the building's use and the square footage of the development that would be served by the system, both of which effect the amount of fossil fuel consumed. The *CEQR Technical Manual* screening assessment is based on these factors. In addition, the CEQR screening procedure is applicable to

buildings that are not less than 30 feet from the nearest building of similar or greater height. A detailed analysis is required if the screening assessment failed.

According to 15 RCNY 2-15, no new boiler or burner installations may use No. 6 or No. 4 fuel oils. Therefore, the highest-emitting fuel that could be used is No. 2 fuel oil. As such, the CEQR nomographs depicted on Figure 17-6 of the *CEQR Technical Manual Appendices* was used for the screening assessment. This stationary source screen is a generic screen for oil No. 2 fueled boiler serving a commercial or other non-residential use building. Based on the methodology above, the Reasonable Worst Case Development Scenario (RWCDS) was analyzed as a 2-story, 38 feet high, building, containing 37,450 gsf of floor area. There is no building of similar or greater height than the proposed building within 400 feet. As such, a 400 feet distance was assumed. **Figure 17-1** shows the screening analysis (using Figure 17-6 of the *CEQR Technical Manual Appendices)*.

Figure 17-1: The RWCDS - HVAC Screen Fuel Oil #2 Nomograph



As seen in the screening analysis (see **Figure 17-1**), using the nomograph provided in the *CEQR Technical Manual*, the RWCDS would fall below the curve for fuel oil No. 2. As such, the Proposed Action passes the HVAC screening assessment on existing land uses.

Industrial Source

Per the *CEQR Technical Manual*, projects that would result in new uses (particularly schools, hospitals, parks, and residences) within 400 feet of manufacturing processing facilities may result in potentially significant adverse impacts. The analysis first determines if there are any existing manufacturing uses within the 400-foot study area containing exhaust stacks, vents, or

other emission sources that may have the potential to adversely affect the uses introduced by the project. If warranted, an air dispersion analysis is then conducted for any existing industrial emission source(s) located in the study area.

Existing manufacturing uses with exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project were identified by reviewing the DEP online Clean Air Tracking System (CATS) database, the NYSDEC map application (DECinfo Locator), and through a field survey. The field survey took place on Feb. 13th, 2019. No manufacturing processing facility was identified in the DEP CATS database, the NYSDEC database (map application), and no likely manufacturing processing facility that generate toxic air emissions, based on facilities type of use, was identified in the fieldwork observation.

Major/Large Source

Per the *CEQR Technical Manual*, projects that would introduce new uses near major sources, large sources, and odor producing facilities may result in potentially significant adverse air quality impacts. The study area considers major sources, large sources, and odor producing facilities within 1,000 feet of the proposed project. Major emission sources are identified as those sources located at Title V facilities; large emission sources are identified as sources located at facilities which require a State facility permit. Solid waste or medical waste incinerators, asphalt and concrete plants, power generating plants, large boilers of large public facilities for example, and large industrial facilities are typical type of sources requiring these permits. Odor producing facilities are operations that have the potential to cause discomfort, such as: solid waste management facilities, water pollution control plants (i.e., sewage treatment plants), and incinerators.

The NYSDEC online database[3] was reviewed on January 2019 to identify Title V or Air State facilities in the study area (both issued and draft permits). The Cony Island Wastewater Treatment Plant (WWTP), located at 2591 Knapp Street, a Title V facility (Permit ID 2-6107-00004/00017) is located within 1,000 feet of the proposed project. The WWTP is located between Voorhies Avenue and Avenue Y and on both sides of Knapp Street. The minimum distance between the Affected Area and the wastewater treatment plant is 610 feet, which is the distance between the Affected Area and Block 8837, Lot 1. As the Coney Island WWTP Air Title V Facility Permit (2-6107-00004/00017) indicates, the facility has two categories of air pollutant emission sources – the combustion emission sources associated with engines, hot water boilers, waste gas burners that would generate criteria air pollutants and the wastewater treatment emission sources associated with wastewater treatment processes as such headworks, primary settling, aeration, active sludge return/digestion, etc. that would generate odor emissions.

The emission source/emission point location information in the Title V permit and the wastewater treatment facility site plan presented in the *Coney Island WPCP Chemical & Petroleum Bulk Storage Facilities Upgrade EAS 06DEP038K* can be used together to identify the location of the emission points. The stacks of combustion sources are located at the Pump and Power House and the Sludge Building and are more than 1000 feet away from the project site. Therefore, impact analysis from these combustion sources and the combustion produced criteria air pollutants is not required. Odor emissions generated by the wastewater treatment process are collected and

[3] http://www.dec.ny.gov/chemical/32249.html

treated by wet scrubbers or the combination of wet scrubber and activated carbon adsorption and as such, odor impact analysis is not warranted.

Conclusion

The peak hour traffic generated by the projected building enlargement would be below the CEQR threshold for a detailed mobile source analysis. A screening analysis demonstrates that the increased emissions from the building's boiler system would not have a significant stationary source impact on any existing nearby receptors. The Affected Area is not subject to potentially significant emissions from nearby existing stationary sources. Therefore, the proposed action would not result in any potentially significant adverse stationary or mobile source air quality impacts, and further assessment is not warranted.

19. NOISE

Introduction

The purpose of a noise assessment under CEQR is to determine whether an action would (1) raise noise levels significantly at existing or anticipated sensitive noise receptors (such as residences or schools) or (2) introduce new sensitive uses (such as residential buildings or schools) at locations subject to unacceptably high ambient noise levels.

The assessment is concerned with both mobile and stationary noise sources. Mobile sources are those that move in relation to a noise-sensitive receptor. They include automobiles, buses, trucks, aircraft, and trains. Stationary sources of noise do not move in relation to a noise-sensitive receptor. Typical stationary noise sources of concern include machinery or mechanical equipment associated with industrial and manufacturing operations; building heating, ventilating, and air conditioning (HVAC) systems; speakers for public address and concert systems; playground noise; and spectators at concerts or sporting events. An action could raise noise levels either by introducing new stationary noise sources (such as outdoor playgrounds or rooftop air conditioning compressors) or by increasing mobile source noise (generally by generating additional traffic).

New Stationary Noise Sources

Under the with-action RWCDS, the proposed action would result in the enlargement of an existing building containing eating and drinking establishments. Unlike playgrounds, truck loading docks, loudspeaker systems, stationary diesel engines, car washes, automotive or machinery repair shops, or similar uses, enclosed restaurants are not substantial stationary noise sources. All rooftop mechanical equipment, including air conditioner compressors, would be enclosed and would comply with New York City Noise Code requirements, which limit noise levels generated by such equipment to 65 dBA during the daytime (7AM to 10 PM) and 55 dBA during the nighttime. The proposed action would therefore not have the potential to cause a significant adverse stationary source noise impact.

New Mobile Noise Sources

According to the screening analysis in the Transportation section of this report, the restaurant enlargement would generate 10, 32, 34, and 39 trip ends during the weekday AM, MD, PM and Saturday MD peak hour periods respectively. Not all vehicles produce the same amount of noise, however. A medium truck produces the same level of noise as 13 passenger cars, and each heavy truck produces the same level of sound as 47 passenger cars. Thus, each medium or heavy truck equals 13 or 47 Noise Passenger Car Equivalents (Noise PCEs). It is assumed that food and other restaurant deliveries would be made by medium trucks. The highest mobile noise generation resulting from the proposed action would therefore be during the weekday MD hour, when the proposed action would result in 24 auto trip ends and 8 truck trip ends, or 128 Noise PCEs.

As stated in the Transportation section of this report, the project site is in a fairly remote location but is across the street from a multiplex cinema (the United Artists Sheepshead Bay 14 IMX & RPX). Because the eating and drinking establishments (a TGI Friday, a Coldstone Creamery, and a clam bar) are not destination restaurants, it is apparent that almost all restaurant traffic would

consist of theatergoers. Evidence of this can be found in the results of the 2017 parking utilization study (discussed in the Transportation section), which found that the restaurants' accessory parking spaces are underutilized relative to applicable accessory off-street parking requirements. Presumably, this is because patrons park in the theater's parking lot (because the theater is their primary destination) or in a commercial parking garage across the street from the theater. For the sake of a conservative CEQR transportation analysis, it was assumed that 30 percent of restaurant patrons are residents of the nearby community who travel to the site to eat and that 70 percent are theater patrons. A linked trip credit of 70 percent was therefore taken.

That analysis implies that the project-generated vehicular traffic is less than half the existing traffic. A doubling of traffic on a stretch of roadway is required to raise noise levels by 3 decibels, the minimum change that can be detected by the average person. A doubling of traffic would not occur. The proposed action would therefore not have the potential to cause a significant adverse mobile source noise impact.

Conclusion

The enlargement of the existing restaurant building would not have the potential to cause a significant adverse stationary source noise impact, nor would the enlargement generate sufficient additional traffic to cause a significant adverse mobile source noise impact. The proposed action would not cause a significant adverse noise impact by resulting in a significant increase in ambient noise levels, and no further analysis is warranted.

22. CONSTRUCTION

Introduction

Construction impacts, although temporary, can sometimes result in significant adverse impacts. Determination of significance is generally based on the duration and magnitude of the effects. However, there are instances where a potential impact may be of short duration, but nonetheless significant, because it raises specific issues of concern.

Construction impact assessments are not necessarily required for all actions that would involve or induce construction, and different assessments may be appropriate for different projects. The *CEQR Technical Manual* provides criteria for determining whether construction impact analyses are required.

Determination of Whether a Preliminary Assessment Is Required

Under the with-action reasonable worst-case development scenario for the proposed rezoning, an existing building would be enlarged to maximize the permissible commercial FAR of 1.00. That would involve the addition of 21,836 gsf, which would increase the amount of floor area on the site from the current 15,614 gsf (and zsf) to 37,450 gsf (and zsf). The ground floor would be enlarged by 8,154 gsf (from the current 12,961 sf to 21,115 sf), but the larger increase would result from the enlargement of a 1,949 sf partial second floor and a 704 sf mezzanine into a 16,336 sf second floor (an increase of 13,683 sf). Building height would not increase. Construction activities would be of short duration, lasting approximately six months. The project would be of limited size and complexity, involving the addition of 21,836 gsf, confined to a single site, without excavation for a cellar, basement or foundation. There would be no blasting, and no need for the heavy equipment that would be required for a multistory building with a steel superstructure or central core.

A transportation analysis is generally required if construction would (1) occur within a central business district or along an arterial or major roadway, (2) impede movement along a roadway or sidewalk, or (3) occur simultaneously at multiple sites within the same geographic area. None of these factors apply in the case of the projected project.

According to the *CEQR Technical Manual*, air quality and noise analyses are generally required only if construction activities would be long-term, lasting more than two years, are located near sensitive receptors, or involve construction of multiple buildings where there is a potential for on-site receptors on buildings to be completed before the final build-out. None of these factors would apply to the proposed project.

A construction assessment for historic and cultural resources is not needed unless the project involves construction activities within 400 feet of a historic resource. As explained in Section 9, Historic and Cultural Resources, there are no nearby architectural resources, and the site is not considered archaeologically sensitive.

A construction assessment for hazardous materials is not needed unless the construction activities would disturb a site containing hazardous materials or occur on a lot adjacent o such a site. The assessment in Section 14, Hazardous Materials, concluded that there is reason to suspect that hazardous materials may contaminate the site, but an (E) designation for hazardous materials will be placed on the zoning map, ensuring that Phase II testing and, if deemed necessary, remediation will be performed before any future development and/or soil disturbance. The testing protocol and test results would be subject to review and approval by the Mayor's Office of Environmental Remediation (OER), as would any remedial action plan. OER may also require that a construction-related health and safety plan be prepared, approved by OER, and implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. No permit would be issued by the NYC Department of Buildings until written approval is received from OER. With this (E) designation in place, no significant adverse impacts related to hazardous materials are expected during construction.

With regard to land use and public policy, socioeconomic conditions, community facilities, open space, infrastructure, and neighborhood character, a preliminary construction assessment is generally not needed unless either construction activities would last more than two years or would require the temporary closing of an open space or community facility or impede the operation of such a facility, or disrupt access to existing land uses. Construction activities at the project site would not have such an effect and would not last more than about six months.

A natural resources construction assessment is needed if the construction activities would disturb a site or be located adjacent to a site containing natural resources. Because of the affected area's proximity to Shell Bank Creek, a preliminary assessment is appropriate.

Preliminary Construction Assessment Related to Natural Resources

With regard to construction occurring on or near the waterfront, the *CEQR Technical Manual* states, "If large land areas are expected to have surface soils exposed to precipitation, an analysis of runoff may be warranted. To address potential impacts associated with runoff of sediments, the analysis documents the activities that might generate sediments (e.g., demolition, excavation, grading, erosion, unpaved and exposed soil areas)."

There would be no grading or alteration of the site's topography, no subsurface level, and minimal ground disturbance. The only ground disturbance would be the driving of piles to support the structure.

Currently, asphalt covers the entire affected area not within the footprint of the existing building. The existing building is constructed on slab. The ground floor of the horizontal expansion would be elevated above the base flood elevation, which is two feet above the existing site elevation. There would be no need to remove the asphalt to expose the soil unless the testing of soil and groundwater samples from borings indicate the need for site remediation. If that is the case, the Applicant would coordinate with OER to design a remedial action plan that would minimize the potential for runoff to the creek. Whether or not OER determines on the basis of Phase II testing that remediation is required, the (E) designation for hazardous materials that will be placed on

the zoning map will ensure that construction activities would not occur before OER approves a construction-related health and safety plan designed to avoid the potential for runoff of sediments that could degrade the water quality of Shell Bank Creek.

For these reasons, significant adverse construction-related impacts to Shell Bank Creek are not anticipated.

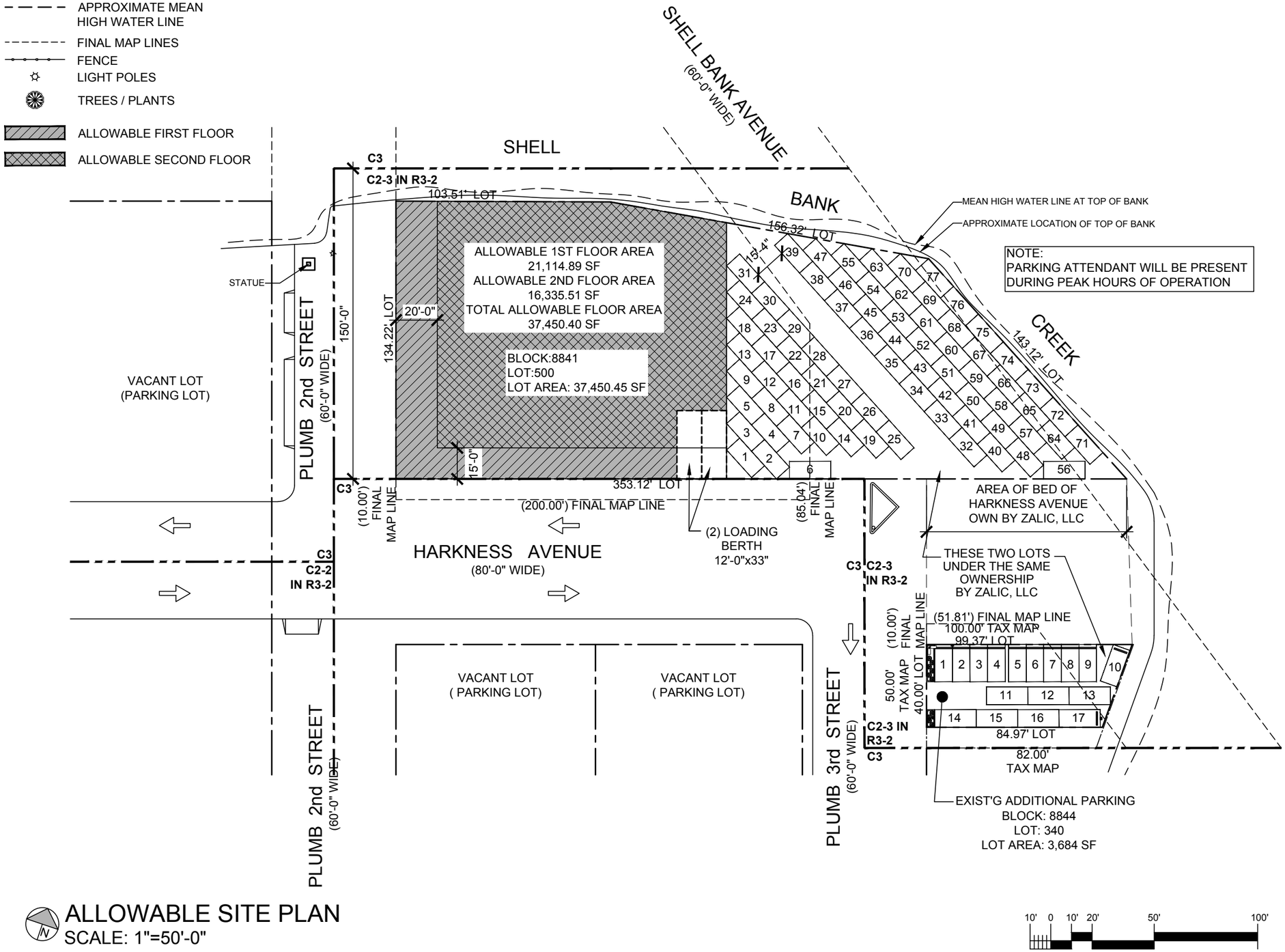
Conclusion

Construction activities would be of short duration, lasting approximately six months. Activities would be confined to a single site and would not include excavation for a cellar, basement, or foundation. There would be no blasting, and no need for the heavy equipment that would be required for a multistory building with a steel superstructure or central core. The project site is not located within a central business district or along an arterial or major roadway, and construction activities would not impede movement along a roadway or sidewalk. The project site is not located near sensitive noise receptors such as schools or hospitals. There are no nearby architectural resources, and the site is not considered archaeologically sensitive. The (E) designation for hazardous materials (E-698) ensures that, before any construction activities begin, Phase II testing will be performed according to a testing protocol approved by OER, that OER will review the findings and determine whether remediation measures are required, and that any required remediation is completed to the satisfaction of OER. Although the project site is in close proximity to Shell Bank Creek, there would be no grading or alteration of the site's topography, no subsurface level, and minimal ground disturbance; also, the ground floor of the horizontal expansion would be elevated above the base flood elevation, which is two feet above the existing site elevation, so there would be no need to remove asphalt to expose the soil. For these reasons, the proposed project would not result in any significant adverse construction impacts, and further analysis is not warranted.

APPENDIX A: ILLUSTRATIVE ARCHITECTURAL PLANS

LEGEND

- ZONING DISTRICT BOUNDARY
- TAX MAP LINES
- LOT LINES
- APPROXIMATE MEAN HIGH WATER LINE
- FINAL MAP LINES
- FENCE
- LIGHT POLES
- TREES / PLANTS
- ALLOWABLE FIRST FLOOR
- ALLOWABLE SECOND FLOOR



ALLOWABLE SITE PLAN
SCALE: 1"=50'-0"

10' 0 10' 20' 50' 100'

Michael D. Just, R.A., A.I.A.
718.855.1237
mjust@mjarch.com
www.justarchitectureny.com

JUST ARCHITECTURE
572 Henry Street - Brooklyn, New York 11231

Rev #	Description:	By:

Project Address:
2761 Plumb 2nd Street Brooklyn, NY

Drawing Title:
ALLOWABLE SITE PLAN

BLOCK:	8841	Job No.: 17115	Date: 05-08-18
LOT:	500		
ZONE:	C3	Drawn By: EB	Sheet: 1 of 2
MAP:	29a		

Drawing No.:
A-001.00

APPLICATION:

ALLOWABLE COMMERCIAL ZONING ANALYSIS

BLOCK: 8841, LOT: 500

BLOCK: 8844, LOT: 340

STREET ADDRESS: 2761 PLUMB 2ND STREET

EXISTING ZONING: C3

COMMUNITY DISTRICT: 15, BROOKLYN

ZONING SECTION MAP NO. 29A

ZONING LOT AREA - B:8841, L: 500: 37,450.47 SF

ZONING LOT AREA - B:8844, L: 340: 3,684.34 SF

TOTAL ZONING LOT AREA: 41,124.81 SF

ZR 32-00 : USES

PERMITTED / REQUIRED: C2-3: USE GROUPS 5, 6,7,8,9

EXISTING TO REMAIN: USE GROUP 6

ZR 33-121: FLOOR AREA RATIO

PERMITTED / REQUIRED : C2-3 IN R3-2: COMMERCIAL = 1.00

EXISTING: 0.42

PROPOSED COMMERCIAL: 1.00

ZR 33-121: FLOOR AREA

PERMITTED / REQUIRED: COMMERCIAL: 37,450.47 SFx1.00 = 37,450.47 SF

EXISTING: 15,614.10 SF

PROPOSED COMMERCIAL: 37,450.40 SF

ZR 33-25 MINIMUM REQUIRED SIDE YARDS

PERMITTED / REQUIRED: NO SIDE YARD ARE REQUIRED

PROPOSED COMMERCIAL: NONE

ZR 33-26 MINIMUM REQUIRED REAR YARD

PERMITTED / REQUIRED: 20'-0"

PROPOSED COMMERCIAL: NONE AS PER ZR 33-261

ZR 33-261 BEYOND ONE HUNDRED FEET OF A STREET LEVEL

IN ALL DISTRICTS, AS INDICATED, FOR CORNER LOTS, AND FOR ZONING LOTS THAT ARE BOUNDED BY TWO OR MORE STREETS THAT ARE NEITHER CORNER LOTS OR THROUGH LOTS, THE PORTION OF A SIDE LOT LINE BEYOND 100 FEET OF THE STREET LINE THAT IT INTERSECTS SHALL BE CONSIDERED A REAR LOT LINE AND A REAR YARD WITH A MINIMUM DEPTH OF 20 FEET SHALL BE PROVIDED WHERE SUCH REAR LOT LINE COINCIDES WITH A REAR LOT LINE OF AN ADJOINING ZONING LOT.

ZR 33-431: IN C1 OR C2 WITH BULK GOVERNED BY SURROUNDING RESIDENCE DISTRICT

INITIAL SETBACK DISTANCE

PERMITTED / REQUIRED: ON NARROW STREET: 20'-0"
ON WIDE STREET: 15'-0"

PROPOSED COMMERCIAL: ON PLUMB 2ND STREET: 20'-0"
ON HARKNESS AVENUE: 15'-0"

MAXIMUM HEIGHT OF A FRONT WALL OR OTHER PORTION OF A BUILDING OR OTHER STRUCTURE WITHIN THE INITIAL SETBACK DISTANCE

PERMITTED / REQUIRED: 30'-0" / 2-STORY (WHICHEVER IS LESS)

EXISTING: 38'-0", 2-STORY

PROPOSED COMMERCIAL: 2 -STORY

ZR 36-21: ACCESSORY OFF STREET PARKING SPACES COMMERCIAL USE

PERMITTED / REQUIRED: 1 PER 400 SF - 37,450.45 SF / 400 = 94 SPACES

EXISTING: B: 8841, LOT:500 = 79 SPACES
B: 8844, LOT:340 = 17 SPACES
TOTAL EXISTING: 96 SPACES

PROPOSED COMMERCIAL: B:841, LOT:500 = 77 SPACES
B:8844, LOT:340 = 17 SPACES
TOTAL EXISTING: 94 SPACES

ZR 36-62: REQUIRED OFF-STREET LOADING BERTHS

PERMITTED / REQUIRED: 2 BERTHS

FIRST 8,000 SQ. FT. OF FLOOR AREA – NONE

NEXT 17,000 SQ. FT. OF FLOOR AREA – 1 REQUIRED BERTH

NEXT 15,000 SQ. FT. OF FLOOR AREA – 1 REQUIRED BERTH

EXISTING: 1 BERTH

PROPOSED COMMERCIAL: 1 ADDITIONAL BERTH

Michael D. Just, R.A., A.I.A.
718.855.1237
mjust@mjarch.com
www.justarchitectureny.com

JUST ARCHITECTURE
572 Henry Street - Brooklyn, New York 11231

Rev #	Description:	By:

Project Address:
2761 Plumb 2nd Street
Brooklyn, NY

Drawing Title:
ALLOWABLE COMMERCIAL ZONING ANALYSIS

BLOCK: 8841 LOT: 500 ZONE: C3 MAP: 29a		Job No.: 17115	Date: 05-08-18
		Drawn By: EB	Sheet: 2 of 2

Drawing No.:
Z-001.00

APPLICATION:

APPENDIX B: WRP CONSISTENCY DOCUMENTS

FOR INTERNAL USE ONLY	WRP No. 18-046
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: Zaliv, LLC

Name of Applicant Representative: Hiram Rothkrug, Environmental Studies Corp.

Address: 55 Water Mill Road, Great Neck, NY 11021

Telephone: 516-343- 0026 Email: hrothkrug@environmentalstudiescorp.com

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The Applicant seeks a Zoning Map Amendment to change the zoning of two lots in Sheepshead Bay from C3 to R3-2/C2-3. The two lots, on opposite sides of Harkness Avenue, are Block 8841, Lot 500 (2761-2777 Plumb 2nd Street); and Block 8844, Lot 340 (1 Plumb 3rd Street). The former is a 37,450 sf lot that is developed with a 15,614 gsf, two-story, 38'-tall building with three eating and drinking establishments (one of which is also engaged in the retail sale of fish and shellfish), plus 79 accessory parking spaces. The latter is a 3,684 sf accessory parking lot providing an additional 17 parking spaces for the commercial establishments at 2761-2777 Plumb 2nd Street. No new development, enlargement, or change of use is proposed. For the sake of a conservative CEQR analysis, however, the EAS addresses a scenario under which the existing building would be enlarged so that the lot would be developed to the maximum permitted commercial FAR of 1.00. That would involve the addition of 21, 836 gsf, which would increase the amount of floor area on the site to 37,450 gsf. Block 8844, Lot 340, would continue to provide surface parking for the establishments on Block 8841, Lot 500, as is required by a restrictive declaration that has been recorded against the lot.

2. Purpose of activity

The proposed zoning map amendment would render the existing eating and drinking establishments conforming, as-of-right uses, freeing the Applicant of the need to renew a BSA special permit every five years, and would reduce the accessory parking requirement, which now exceeds what a parking study has shown is the actual demand.

C. PROJECT LOCATION

Borough: Brooklyn Tax Block/Lot(s): Block 8841, Lot 500; Block 8844, Lot 340

Street Address: 2761 Plumb 2nd St.; 1 Plumb 3rd St.

Name of water body (if located on the waterfront): Shell Bank Creek

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

☐ City Map Amendment	☐ Zoning Certification	☐ Concession
☑ Zoning Map Amendment	☐ Zoning Authorizations	☐ 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:

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

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: Hiram Rothkrug, Environmental Studies Corp.

Address: 55 Water Mill Road, Great Neck, NY 11021

Telephone: 516-343- 0026 Email: hrothkrug@environmentalstudiescorp.com

Applicant/Agent's Signature: Brian Kintish

Date: 3/12/19

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

Attachment to Consistency Assessment Form for 2761 Plumb 2nd Street

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The affected area is not within a Special Natural Waterfront Area (SNWA) or Significant Maritime and Industrial Area (SMIA), and it is in a well developed area with existing residential and commercial development. A commercial development now occupies one of the two lots within the affected area. The proposed action would therefore be consistent with Policy 1.1.

Policy 1.2: Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

Eating and drinking establishments, as listed in UG 6A, are identified as waterfront-enhancing uses in ZR Section 62-212. The proposed action would therefore be consistent with Policy 1.2.

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

As shown in the New York City Flood Hazard Mapper, the affected area is within a 100- year-floodplain as designated on FEMA's 2015 preliminary flood maps and is within flood zone AE. Any new development or alteration would therefore need to comply with New York City Building Code provisions applicable to such a flood hazard area, and a Certificate of Occupancy would be issued only if "the structure was constructed with methods and practices that minimize flood damage and that are in accordance with approved plans, and with any applicable provisions of Appendix G of the New York City Building Code and ASCE 24." The proposed action would be consistent with Policy 6.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

The New York City Panel on Climate Change has projected that, relative to sea levels in the year 2000, sea levels at New York City will have risen 4 to 8 inches in the 2020s, 11 to 21 inches in the 2050s, 18 to 39 inches in the 2080s, and 22 to 50 inches by 2100. These changes will increase the frequency and severity of coastal flooding, expand existing flood zones, and increase base flood elevations at locations within existing flood zones.

The affected area is already subject to the most stringent requirements of Appendix G of the New York City Building Code and ASCE 24, those applicable to V zones and coastal A zones. The construction methods and practices currently required for the area should therefore be sufficient to minimize flood damage throughout the foreseeable future. The proposed action would be consistent with Policy 6.2.

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	2761 Plumb 2nd Street Rezoning
Location	2761 Plumb 2nd St. (Block 8841, Lot 500) and 1 Plumb 3rd Street (Block 8844, Lot 340) in Brooklyn CD 15
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 seeks the rezoning of two lots on opposite sides of Harkness Ave. in Sheepshead Bay from C3 to R3-2/C2-3. 2761 Plumb 2nd St. is a 37,450 sf lot developed with a 15,614 gsf, 38'-tall, one- and two-story building with eating and drinking establishments and 79 surface parking spaces. 1 Plumb 3rd St. is a 3,684 sf paved parking lot providing an additional 17 accessory spaces. The action would render the existing establishments as-of-right, eliminating the need to renew a BSA special permit every five years. No new development or enlargement is proposed, but the EAS addresses a scenario involving a 21,836 gsf enlargement of the building's first and second floors to achieve the maximum permitted 1.00 commercial FAR.
Planned Completion date	2021

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	7.74	**7.74**	**NAVD88**	*NOAA datums for 8531680, Sandy Hook, NJ*
1% flood height	11.00	**11.00**	**NAVD88**	*NYC Flood Hazard Mapper*
As relevant:				
0.2% flood height	-->		**NAVD88**	
MHW	7.41	7.41	**NAVD88**	*NOAA datums for 8531680, Sandy Hook, NJ*
MSL	5.09	5.09	**NAVD88**	*NOAA datums for 8531680, Sandy Hook, NJ*
MLLW	2.51	2.51	**NAVD88**	*NOAA datums for 8531680, Sandy Hook, NJ*

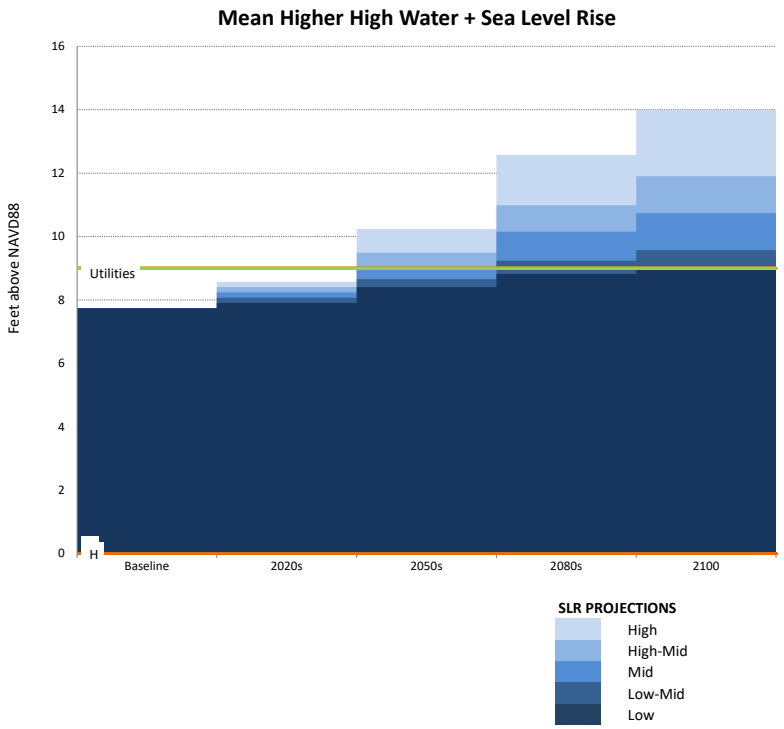
Data will be converted based on the following datums:

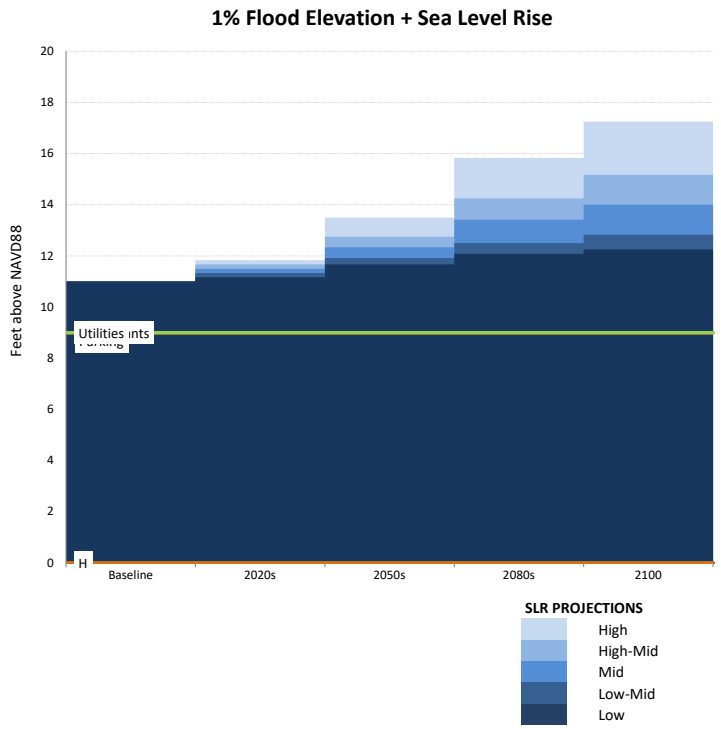
Datum	FT (NAVD88)
NAVD88	*0.00*
NGVD29	*-1.10*
Manhattan Datum	*1.65*
Bronx Datum	*1.51*
Brooklyn Datum (Sewer)	*0.61*
Brooklyn Datum (Highway)	*1.45*
Queens Datum	*1.63*
Richmond Datum	*2.09*
Station	
MLLW	2.51

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
Restaurants	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2100	9.0	Feet	NAVD88	*9.0*	*9.0*	*1.3*	*-2.0*	*#VALUE!*
First habitable floor, which is the ground floor										
Parking	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☑ Other	2100	9.0	Feet	NAVD88	*9.0*	*9.0*	*1.3*	*-2.0*	*#VALUE!*
Paved surface parking										
Utilities	☐ Vulnerable ☑ Critical ☐ Potentially Hazardous ☐ Other	2100	9.0	Feet	NAVD88	*9.0*	*9.0*	*1.3*	*-2.0*	*#VALUE!*
First floor at present, but would be moved to the second floor (el. 23.5') or a level portion of the roof (el. 35') if the building's first and second floor are enlarged, as under the RWCDS.										
D	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88					
Description of Planned Uses and Materials										
E	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88					
Description of Planned Uses and Materials										
F	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88					
Description of Planned Uses and Materials										
G	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88					
Description of Planned Uses and Materials										
H	☐ Vulnerable ☐ Critical ☑ Potentially Hazardous ☐ Other			Feet	NAVD88					
Description of Planned Uses and Materials										

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	7.74	7.74	7.74	7.74	7.74	**Baseline**
2020s	7.91	8.07	8.24	8.41	8.57	**2020s**
2050s	8.41	8.66	9.07	9.49	10.24	**2050s**
2080s	8.82	9.24	10.16	10.99	12.57	**2080s**
2100	8.99	9.57	10.74	11.91	13.99	**2100**

1%+SLR (ft above NAVD88)

	Low	Low-Mid	Mid	High-Mid	High	
Baseline	11.00	11.00	11.00	11.00	11.00	**Baseline**
2020s	11.17	11.33	11.50	11.67	11.83	**2020s**
2050s	11.67	11.92	12.33	12.75	13.50	**2050s**
2080s	12.08	12.50	13.42	14.25	15.83	**2080s**
2100	12.25	12.83	14.00	15.17	17.25	**2100**

0.2%+SLR (ft above NAVD88)

	Low	Low-Mid	Mid	High-Mid	High
Baseline	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2020s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2050s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2080s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2100	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!

	0	1
Restaurants	9	9
Parking	9	9
Utilities	9	9
D	0	0
E	0	0
F	0	0
G	0	0
H	0	0

SLR (in)

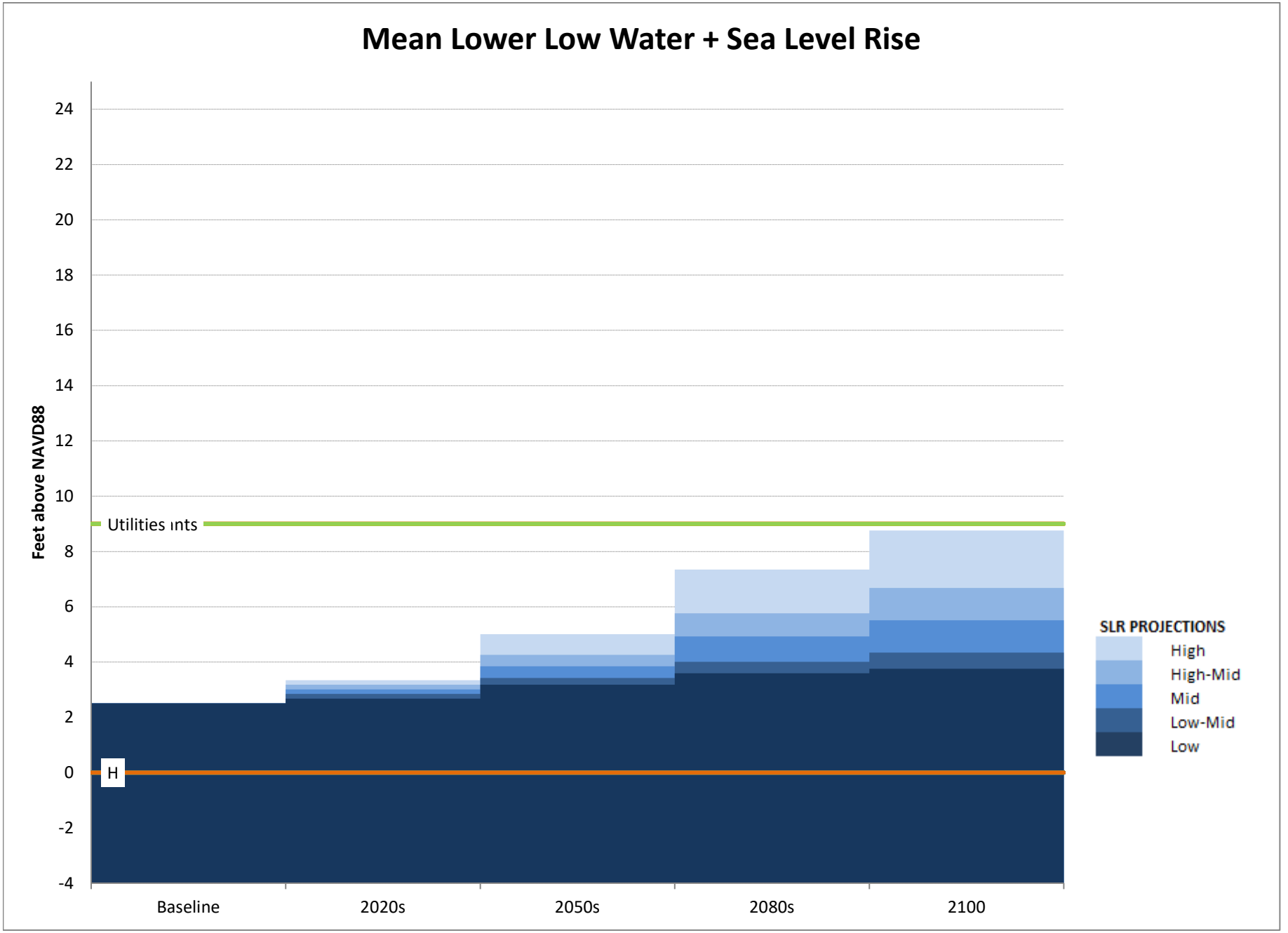
Low	Low-Mid	Mid	High-Mid	High
0	0	0	0	0
2	4	6	8	10
8	11	16	21	30
13	18	29	39	58
15	22	36	50	75

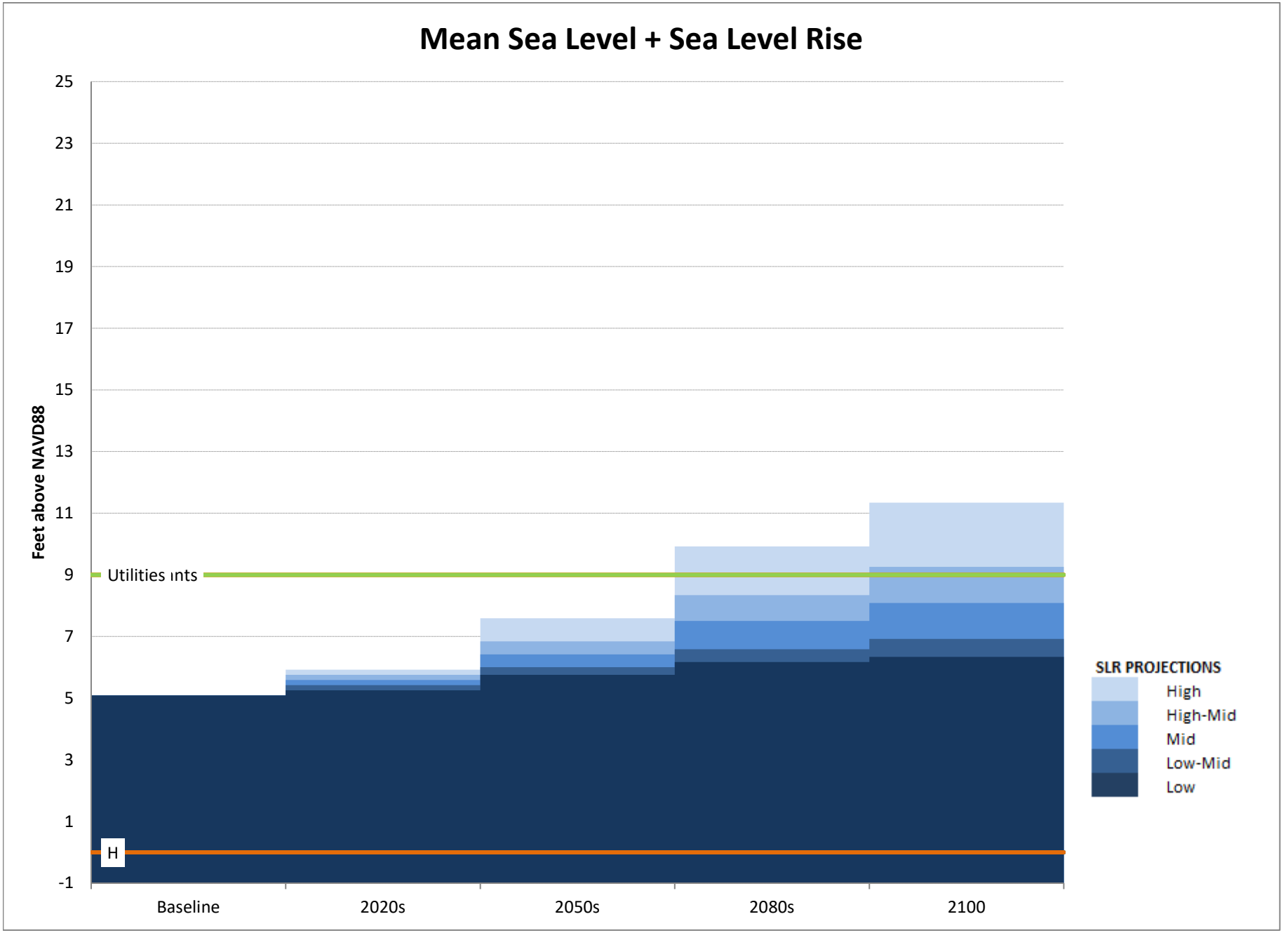
MLLW+SLR (ft above NAVD88)

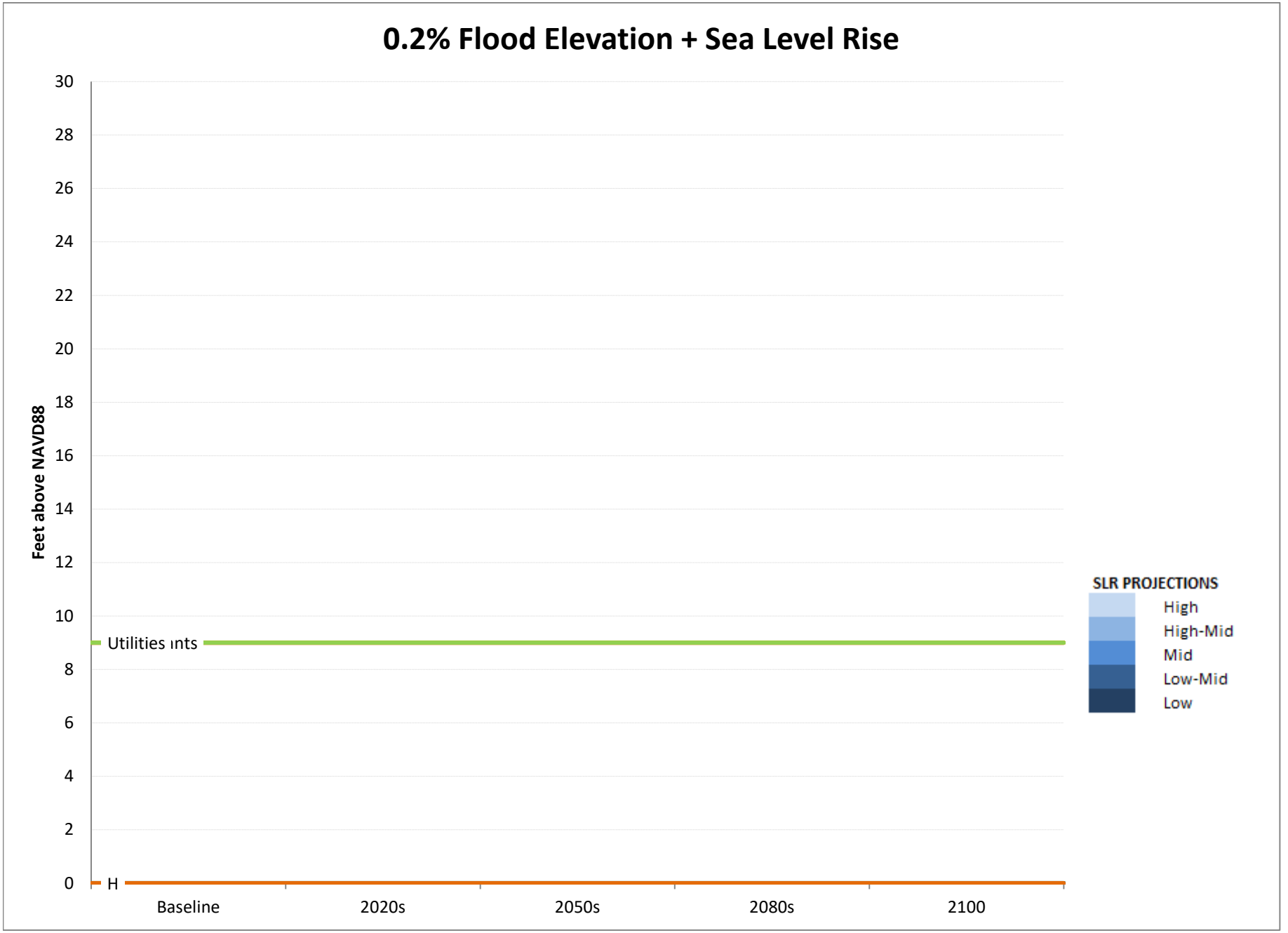
Low	Low-Mid	Mid	High-Mid	High
2.51	2.51	2.51	2.51	2.51
2.68	2.84	3.01	3.18	3.34
3.18	3.43	3.84	4.26	5.01
3.59	4.01	4.93	5.76	7.34
3.76	4.34	5.51	6.68	8.76

MSL+SLR (ft above NAVD88)

Low	Low-Mid	Mid	High-Mid	High
5.09	5.09	5.09	5.09	5.09
5.26	5.42	5.59	5.76	5.92
5.76	6.01	6.42	6.84	7.59
6.17	6.59	7.51	8.34	9.92
6.34	6.92	8.09	9.26	11.34


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
Utilities ınts
H
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
Utilities ınts
H
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
Utilities ınts
H
Baseline
2020s
2050s
2080s
2100
SLR PROJECTIONS
High
High-Mid
Mid
Low-Mid
Low

APPENDIX C: 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 / 22DCP052K
Project: 1 PLUMB 3 STREET
Date Received: 9/20/2022

Properties with no Architectural or Archaeological significance:
1) 2777 PLUMB 2 STREET, BBL: 3088410500
2) 1 PLUMB 3 STREET, BBL: 3088440340

Gina Santucci 9/20/2022

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 34216_FSO_GS_09202022.docx

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
Fax (718) 595-4422
alicata@dep.nyc.gov

July 30, 2021

Katherine Glass
Team Leader
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: 2761 Plumb 2nd Street Rezoning
Block 8841, Lot 500 and Block 8844, Lot 340
CEQR # 77DCP565K

Dear Ms. Glass:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the June 2021 Environmental Assessment Statement (EAS) and the July 2019 Phase I Environmental Site Assessment (Phase I) prepared by Environmental Studies Corporation on behalf of Zaliv, 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 rezone two lots in the Sheepshead Bay neighborhood of Brooklyn Community District 15 from C3 to R3-2/C2-3. The two lots, on opposite sides of Harkness Avenue, are Block 8841, Lot 500 (2761-2777 Plumb 2nd Street); and Block 8844, Lot 340 (1 Plumb 3rd Street). The former is a 37,450 square feet (sf) lot that is developed with a 15,614 gross square feet (gsf), two-story building with three eating and drinking establishments (one of which is also engaged in the retail sale of fish and shellfish), plus 79 accessory parking spaces. The latter is a 3,684 sf accessory parking lot providing an additional 17 parking spaces for the commercial establishments at 2761-2777 Plumb 2nd Street. The proposed zoning map amendment would render the existing eating and drinking establishments conforming, as-of-right uses, freeing the applicant of the need to renew a New York City Board of Standards and Appeals special permit every five years, and would reduce the accessory parking requirement, which now exceeds what a parking study has shown is the actual demand. No new development, enlargement, or change of use is proposed. Under the reasonable worst case development scenario, it is assumed that the existing building would be enlarged to maximize the permissible commercial floor area ratio of 1.00. The zoning map amendment would expand the range of uses allowable as-of-right in the affected area, adding commercial uses listed in Use Groups 6 through 9, which include retail and service establishments, offices, eating and drinking establishments, public service establishments, home maintenance and repair establishments, and amusements.

The July 2019 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including centrifugal casting, a boat yard/marina, a gasoline filling station, restaurants/food service operations, a professional office use, a parking garage, residential dwellings, restaurants, retail stores, a movie theater, parking lots, recreational uses, etc. Regulatory databases identified 26 spills and 4 historical auto sites within 1/8 mile; 9 underground storage tank sites and 8 aboveground storage tank sites within 1/4 mile; and 13 leaking storage tank sites within 1/2 mile of the project site.

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

Block 8841, Lot 500 and Block 8844, Lot 340

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination and testing is not physically possible during the CEQR process, DEP concurs with the EAS recommendation that an (E) Designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject properties. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. Further hazardous materials assessments should be coordinated through the Mayor's Office of Environmental Remediation.

Future correspondence and submittals related to this project should include the following CEQR # **77DCP565K**. If you have any questions, you may contact me at (718) 595-4358.

Sincerely,

Wei Yu

Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
T. Estesen
R. Lucas
M. Wimbish
O. Abinader – DCP
M. Bertini – OER

APPENDIX D: PARKING UTILIZATION STUDY

STONEFIELD
engineering & design

February 15, 2018

NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

RE: Parking Utilization Study
Block 8841, Lot 500
2761 Plumb 2nd Street
Brooklyn, New York 11235
SED Project No.: L-17061

To Whom It May Concern:

Stonefield Engineering & Design, LLC ("Stonefield") has prepared this Parking Utilization Study to investigate the parking characteristics of the existing commercial development located at 2761 Plumb 2nd Street in Brooklyn, New York. The subject property is designated as Block 8841, Lot 500 on the New York City Tax Map. Lot 500 is approximately 0.88 acres and contains 15,614 square feet of gross floor area. The site is developed with a TGI Friday's restaurant, Cold Stone Creamery, and Jordan's Clam Bar, as well as off-street parking. Existing site access is provided via Harkness Avenue and Plumb 2nd Street. The applicant also owns the nearby property at the southeast quadrant of the intersection of Plumb 3rd Street and Harkness Avenue, which is designated as Block 8844, Lot 340 and provides additional off-street parking.

The applicant, Zaliv, LLC, seeks to rezone Lot 500 from C3 to C2-3, an action that would reduce the required parking to one (1) space per 400 square feet (from one (1) space per 150 square feet). As part of the rezoning, restriping and reconfiguration of the parking areas is proposed to provide a total of 96 marked parking stalls. The proposed 96 parking stalls would be operated by valet attendants. The existing site access along Harkness Avenue and Plumb 2nd Street would be maintained. It is important to note that the 1,244.28-square-foot Jordan's Clam Bar is a grandfathered use that is not required to provide off-street parking.

Background

Stonefield reviewed the Proposed Plot Plan prepared by Just Architecture, dated November 21, 2016 and the BSA Zoning Analysis completed by Sheldon Lobel, P.C., dated May 31, 2017. In completing this review, particular attention was focused on the required parking calculation. Based on the requested Zoning District, C2-3, requirements, a total of 96 parking stalls would be required for the subject site under the proposed rezoning. The analysis and reasoning contained herein provides justification for the proposed rezoning.

Existing and Future Parking Utilization

Stonefield performed a comprehensive parking study to establish the total existing parking supply and evaluate the utilization of the parking supply at the subject site. The total existing parking supply was field-verified to be 46 marked parking stalls provided on Lot 500 and 12 parking stalls in the parking area on Lot 340 for a total of 58. The parking utilization count was conducted on Thursday, October 26, 2017 from 6:00 p.m. to 11:00 p.m. This time period was chosen as it is representative of the peak operating times of restaurant uses.

The existing parking field was divided into sections to identify parking demand at various locations throughout the lot. The sections are illustrated on appended **Figure 1**. The parking utilization data was collected

in 10-minute intervals and analyzed to identify the peak parking utilization during the study period. The parking utilization data is graphically depicted on appended **Figure 2**. Based on the review of the parking utilization data, the peak parking utilization occurred at 9:20 p.m. The capacity of each parking area and total parking utilization is provided in **Table 1**.

TABLE 1 – EXISTING PARKING UTILIZATION BY AREA – OCTOBER 2017

Area →	A	B	C	D	**On-site Total**	Adjacent On-street Parking Demand	**Utilization**
Parking Capacity	6	18	22	12[1]	58	-	--
Site Peak Parking Utilization	4	8	20	6	43	5	74%
Credit for Jordan's Clam Bar Parking Utilization	0	-2	0	0	-6	-4	10%
TGI Friday's and Cold Stone Creamery Parking Utilization	4	6	20	6	37	1	64%

[1]As the existing parking stalls in Area D are not well delineated, the parking capacity of Area D was estimated based on 8-foot-wide parking stalls.

As shown in **Table 1**, the TGI Friday's and Cold Stone Creamery were observed to experience a peak parking demand of 37 vehicles (approximately 64% utilization) during the critical peak period. Please note that additional site-generated parking was observed on Harkness Avenue adjacent to the site. In order to provide a conservative analysis, these vehicles have been accounted for in the existing parking utilization. Based on the 10,432.48-square-foot TGI Friday's restaurant and the 3,937.34-square-foot Cold Stone Creamery, this equates to approximately one (1) vehicle per 393 square feet, which is consistent with the one (1) space per 400 square feet parking requirement for Zone C2-3. The future peak parking utilization would be 39%, based on the proposed 96 parking stalls.

Conclusion

This report was prepared to investigate the parking characteristics of the development located at 2761 Plumb 2nd Street in Brooklyn, New York. The analysis findings indicate that the site currently operates with a parking demand that is consistent with the parking requirement for Zone C2-3, thereby justifying the proposed rezoning.

Best regards,

Frank A. Filiciotto, PE
Stonefield Engineering and Design, LLC

Charles D. Olivo, PE, PTOE
Stonefield Engineering and Design, LLC

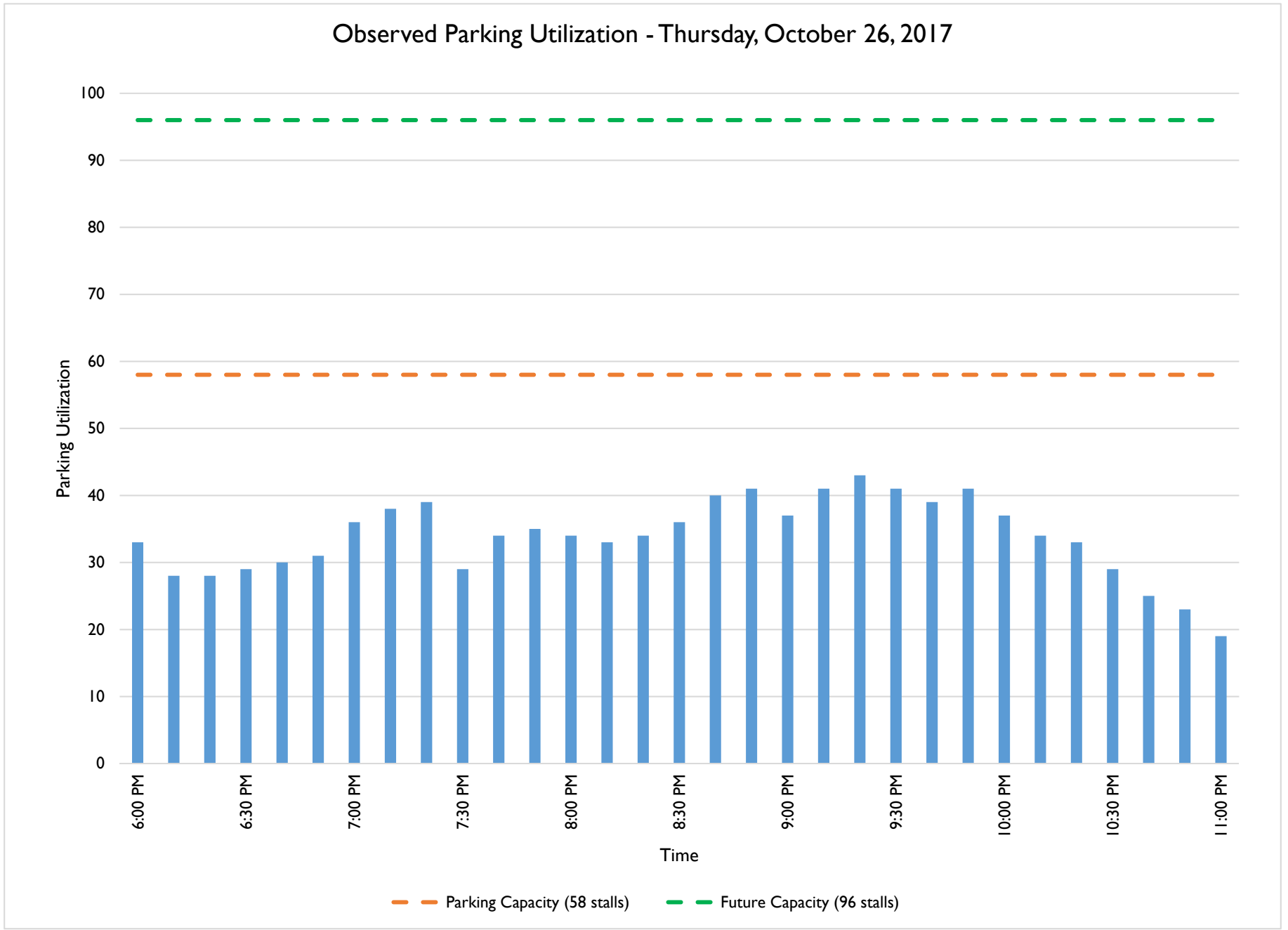
cc: Alexander Spivak – Zaliv LLC
Richard Lobel – Sheldon Lobel P.C.
Fayanne Betan – Sheldon Lobel P.C.



STONEFIELD
engineering & design

2761 Plumb 2nd Street
Brooklyn, NY 11235
Parking Utilization Study

Figure 1
Site Location Map


Observed Parking Utilization - Thursday, October 26, 2017
Parking Utilization
100
90
80
70
60
50
40
30
20
10
0
6:00 PM
6:30 PM
7:00 PM
7:30 PM
8:00 PM
8:30 PM
9:00 PM
9:30 PM
10:00 PM
10:30 PM
11:00 PM
Time
Parking Capacity (58 stalls)
Future Capacity (96 stalls)

APPENDIX E: JAMAICA BAY WATERSHED PROTECTION PLAN PROJECT TRACKING FORM

Print Form

Jamaica Bay Watershed Protection Plan
Project Tracking Form

The Jamaica Bay Watershed Protection Plan, developed pursuant to Local Law 71 of 2005, mandates that the New York City Department of Environmental Protection (DEP) work with the Mayor's Office of Environmental Coordination (MOEC) to review and track proposed development projects in the Jamaica Bay Watershed (http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica_Bay_Watershed_Map.jpg) that are subject to CEQR in order to monitor growth and trends. If a project is located in the Jamaica Bay Watershed, (the applicant should complete this form and submit it to DEP and MOEC. This form must be updated with any project modifications and resubmitted to DEP and MOEC.

The information below will be used for tracking purposes only. It is not intended to indicate whether further CEQR analysis is needed to substitute for the guidance offered in the relevant chapters of the CEQR Technical Manual.

A. GENERAL PROJECT INFORMATION

1. CEQR Number: _____ 1a. Modification ☐
2. Project Name: 2761 Plumb 2nd Street Rezoning
3. Project Description:

   The proposed rezoning would render the existing use as-of-right to free the Applicant of the need to renew a BSA special permit every five years and would not involve any development, enlargement, or change in use, but the EAS assumes a 21,836 gsf enlargement of the one existing building.

4. Project Sponsor: Zaliv, LLC
5. Required approvals: Zoning Map Amendment of two lots from C3 to R3-2
6. Project schedule (build year and construction schedule): N/A

B. PROJECT LOCATION:

1. Street address: 2761-2777 Plumb 2nd St. and 1 Plumb 3rd St.
2. Tax block(s): 8841 and 8844 Tax Lot(s): 500 and 340
3. Identify existing land use and zoning on the project site: restaurants and accessory parking lots
4. Identify proposed land use and zoning on the project site: restaurants and accessory parking
5. Identify land use of adjacent sites (include any open space): parking lots, parking garage, movie the
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
0.42 and 0.00 FAR (commercial)	1.00 and 0.00 FAR (commercial)

7. Is project within 100 or 500 year floodplain (specify)? ☒ **100 Year** ☐ **500 Year** ☐ **No**

C. GROUND AND GROUNDWATER

1. Total area of in-ground disturbance, if any (in square feet): TBD
2. Will soil be removed (if so, what is the volume in cubic yards)? TBD
3. Subsurface soil classification:
   (per the New York City Soil and Water Conservation Board): Net Substratum Bigapple-Verrazano
4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
5. Will groundwater be used (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: Rates:
6. Will project involve dewatering (list volumes/rates)? ☐ **Yes** ☒ **No**

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

   TBD

D. HABITAT

1. Will vegetation be removed, particularly native vegetation? ☐ **Yes** ☒ **No**

   If YES,
   - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
   - **List** species to remain on site.
   - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
2. Is the site used or inhabited by any rare, threatened or endangered species? ☐ **Yes** ☒ **No**
3. Will the project affect habitat characteristics? ☐ **Yes** ☒ **No**

   If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at http://www.dec.ny.gov/animals/29392.html.
4. Will pesticides, rodenticides or herbicides be used during construction? ☐ **Yes** ☒ **No**

   If YES, estimate quantity, area and duration of application.
5. Will additional lighting be installed? ☐ **Yes** ☒ **No**

   If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

E. SURFACE COVERAGE AND CHARACTERISTICS

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

	Existing Condition	Proposed Condition
1. ***Surface area:***		
Roof:	12,961 sf	21,115 sf
Pavement/walkway:	28,173 sf	20,019 sf
Grass/softscape:	0 sf	0 sf
Other (describe):	0 sf	0 sf
2. ***Wetland*** (regulated or non-regulated) area and classification:	0 sf	0 sf
3. ***Water surface area:***	0 sf	0 sf

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

Existing – how is the site drained?

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

Unchanged