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 Applicant, Neptune Avenue Commercial LLC, seeks the approval of a zoning map amendment to rezone Block 6990. Lots 1, 10, and 20 (the "Project Area") from an M1-2 to an M1-5/R7-3 (MX); a zoning text amendment pursuant to Appendix F of the Zoning Resolution (ZR) to map a Mandatory Inclusionary Housing (MIH) area coterminous with the Project Area; a zoning text amendment pursuant to ZR 123-90 to establish a special mixed use (MX) district coterminous with the Project Area; and a waterfront certification pursuant to ZR Section 62-811 for waterfront public access and visual corridors ("Proposed Actions") of a waterfront block in the Coney Island neighborhood of Brooklyn, Community District 13. The Project Area is bounded by the Coney Island Creek to the north, West 22nd Street to the west, Neptune Avenue to the south, and West 23rd Street to the east. The Proposed Actions would facilitate the construction of a new 18-story, 187-foot tall, approximately 203,360 gross square feet (gsf) mixed-use development with 159,780 gsf of residential use containing 145 dwelling units (37-44 of which would be affordable pursuant to MIH), 22,600 gsf of commercial use, and 60 accessory parking spaces ("Proposed Project") at the applicant owned site located at 2201-2227 Neptune Avenue (Block 6990, Lot 10) ("Projected Development Site 1"). In addition to the Projected Development Site, a Potential Development Site was identified in the environmental review process on lot 20 ("Potential Development Site 1") which, for analysis purposes, assumed to be developed into a 19-story, 198,480 gsf mixed-use development, including 175,580 gsf of residential and 22,900 gsf of ground floor commercial use, pursuant to the Proposed Actions.

The proposed development facilitated by the Proposed Actions would be compatible with existing mixed residential and commercial uses along Neptune Avenue and the surrounding area. While the Proposed Actions would allow for an increase in development and bulk relative to the existing zoning, the proposed M1-5/R7-3 (MX) district would allow for residential use of up to 6.0 FAR, which is compatible with the residential uses on the south side of Neptune Avenue, while maintaining the right to have commercial and light manufacturing used in the Project Area. Additionally, consistency with the NYC Waterfront Revitalization Program (WRP) is included in the EAS. The WRP Policy Consistency Assessment Form demonstrate that the Proposed Development is consistent with the policies of the WRP (WRP# 22-128). Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning, or public policy, and no further analysis is warranted.

Open Space

A detailed analysis related to open space is included in the EAS. The Proposed Actions would not directly displace any open space, cause any direct changes to open spaces so that they would no longer serve the same user population, or result in substantial new shadows, noise or air emissions on existing open spaces. Therefore, there are no significant adverse direct impacts on open spaces. The Proposed Actions would introduce approximately 359 residents, which warrants a detailed analysis of indirect open space impacts. Under the With-Action conditions, the total open space ratio would decrease by 1.28% to 5.71 acres per 1,000 residents, which is less than the 5% threshold for that would constitute a significant adverse impact pursuant to the guidance of the *CEQR Technical Manual*, therefore the Proposed Actions would not result in a significant adverse impact on open space, and no further analysis is warranted.

Shadows

A detailed analysis related to Shadows is included in the EAS. The analysis finds that the Proposed Actions would facilitate a development that would cast incremental shadows on three open space resources: the West 23rd Street Community Garden, the Coney Island Boat Basin, Coney Island Creek; and two historic resources: The Mark Twain IS 239 school, and the Coney Island Fire Station Pumping Station, which is located within the West 23rd Street Community Garden. The detailed shadows analysis considers shadows from developments on both the Projected Development Site 1 and Potential Development Site 1.

New incremental shadows would be cast on portions of the West 23rd Street Community Garden in the morning hours of all four analysis days. The resource contains potentially sunlight sensitive features such as vegetation and benches for the people tending to the community garden to rest while gardening. On the May 6 analysis day, the resource would receive 3 hours and 44 minutes of incremental shadows from 6:27am until 10:11am. On the June 21 analysis day, the resource would receive 4 hours and 14 minutes of incremental shadows from 5:57am until 10:11am. On the March 21 analysis day, the resource would receive 2 hours and 55 minutes of incremental shadows from 7:36am until 10:31am. On the December 21 analysis day, the resource would receive 1 hour and 19 minutes of incremental shadows from 8:51am until 10:10am. Although the incremental shadows would be cast on the vegetation during these hours, the garden would continue to receive between six to eight hours of sunlight throughout the rest of the day during the growing season, as per CEQR Technical Manual guidelines, and therefore, incremental shadows would not substantially affect the vegetation in the community garden. New incremental shadows would be cast on a southeastern portion of the Coney Island Boat Basin containing a waterfront walkway. On the December 21 analysis day, the resource would receive 1 hour and 32 minutes of incremental shadows between 1:21pm and 2:53pm, There would be no incremental shadows on the remaining analysis days. While portions of the walkway in the southeastern portion of the Coney Island Boat Basin would be cast in incremental shadows, this area represents less than five percent of the total area of the park where minimal use is expected and therefore would not represent a significant adverse impact. New incremental shadows would be cast on portions of Coney Island Creek on all four analysis days. Incremental shadows would move eastward at the start of the analysis days and would not affect one specific area of the Coney Island Creek for long durations. The areas that receive the longest durations of the incremental shadows would receive more than four hours of direct sunlight between the start and end of all the analysis days. The extent and duration of the incremental shadows would not significantly reduce direct sunlight exposure on this natural resource. The specific areas of the creek that would receive incremental shadows would not alter the public's use of the creek. As a result, the Proposed Actions would not result significant

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adverse impact, in accordance with *CEQR Technical Manual* methodology. New incremental shadows would be cast on portions of two historic resources: The Coney Island Fire Station Pumping Station and the Mark Twain IS 239 for the Gifted and Talented school. The Coney Island Fire Station Pumping Station is noted for its 'Moderne' architecture, and the Mark Twain IS 239 for the Gifted and Talented school is noted for its neoclassical revival style and for the unique double hollow square plan. Both resources would receive incremental shadows their facades on the March 21, May 6, and June 21 analysis days in the morning hours. However, as defined in the *CEQR Technical Manual*, the design elements of these resources do not fall under the classification of being sunlight-sensitive and therefore incremental shadows would not have a significant adverse impact on these historic resources. Therefore, Proposed Actions would not result in significant adverse shadows impact on identified sunlight-sensitive resources.

Historic and Cultural Resources

A detailed analysis related to historic and cultural resources is included in the EAS. LPC determined that the Project Area is not potentially archeologically significant, and therefore, there would be no significant adverse impacts related to archeological resources. An assessment of architectural resources found that there are two known architectural resources located within the study area. These resources include the State and National Register (S/NR)-listed Coney Island Fire Station Pumping Station and the S/NR-eligible Mark Twain IS 239 for the Gifted and Talented school. These resources are more than 90 feet away from the Project Area, and therefore would not be directly affected by the Proposed Actions. Although the Proposed Actions would allow taller structures within the Project Area, buildings of similar height are located in the surrounding area as described above. The developments on Projected Development Site 1 and Potential Development Site 1 would not obstruct public views of these resources and would not introduce incompatible visual, audible, or atmospheric elements to a historic resource's setting or isolate a resource from its relationship to the streetscape and therefore, there would be no significant adverse impacts on historic and cultural resources.

Hazardous Materials and Air Quality

An (E) designation (E-816) related to hazardous materials and air quality 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, and air quality, analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials and air quality.

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 Andrew Martini at +1 212-720-3315.

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TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 12/2/2024
SIGNATURE	

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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 6990, Lot 10
Potential Development Site 1	Brooklyn	Block 6990, Lot 20

(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-816**) would be established as part of approval of the proposed actions on **Projected Development Site 1** and **Potential Development Site 1** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** and **Potential 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.

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Air Quality

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

> ***Projected Development Site 1 (Block 6900, Lot 10):*** *Any new residential and/or commercial development on the above-referenced property must utilize electric-powered HVAC system and hot water equipment with no venting or stacks to avoid any potential significant adverse air quality impact.*
>
> ***Potential Development Site 1 (Block 6900, Lot 20):*** *Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for heating, ventilation, and air conditioning for the (HVAC) system and hot water equipment, and ensure the HVAC system and hot water equipment stack is located at the highest tier and at least 193.8 feet above grade, and at most 157 feet from the eastern lot line to avoid any potential significant adverse air quality impact.*