NEW YORK CITY ENVIRONMENTAL QUALITY REVIEW
ENVIRONMENTAL ASSESSMENT STATEMENT

606 NEPTUNE AVENUE

BOROUGH OF BROOKLYN
CEQR NUMBER: 20DCP115K



Prepared For:
McDonald's Corporation
One McDonald's Plaza
110 North Carpenter Street
Chicago, IL 60607

Lead Agency:
NYC Department of City Planning
120 Broadway, 31st Floor
Manhattan, New York, 10271

Prepared By:
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LANGAN

19 November 2020

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* 606 Neptune Avenue

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
20DCP115K	
ULURP REFERENCE NUMBER (if applicable)	**OTHER REFERENCE NUMBER(S) (if applicable)**
210033ZMK M210034LDK	(*e.g.*, legislative intro, CAPA)

4a. *Lead Agency Information*

NAME OF LEAD AGENCY
New York City Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON
Olga Abinader
Director, Environmental Assessment and Review Division

ADDRESS 120 Broadway, 31st Floor
CITY New York STATE NY ZIP 10271
TELEPHONE (212) 720-3493 EMAIL oabinad@planning.nyc.gov

4b. *Applicant Information*

NAME OF APPLICANT
James Russ, Jr.
McDonald's Corporation

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
Neil Weisbard
Pryor Cashman LLP

ADDRESS 7 Times Square
CITY New York STATE NY ZIP 10036
TELEPHONE (212) 326-0465 EMAIL nweisbard@pryorcashman.com

5. *Project Description*

The Proposed Actions include a zoning map amendment from C1-2 to C2-4 affecting Brooklyn Block 2720 Lot 25 and a portion of Lot 4, and a minor modification to a restrictive declaration. The existing building on the Project Site (Lot 25) is occupied by a commercial fast-food restaurant, and accessory drive-through which are the subject of previous approvals. The development on the site is inconsistent with the prior approvals. Collectively, the Proposed Actions would legalize the existing accessory drive-through facility at the Project Site. The zoning change from a C1-2 overlay district to a C2-4 overlay district would allow for the existing drive-through facility to be an as-of-right use. The proposed minor modification would tie the Project Site to the approved site plan. Since the actions would not facilitate a new use, a change in zoning, or an effect on public policy no significant adverse impacts would result from the proposed actions.

Project Location

BOROUGH	COMMUNITY DISTRICT(S)	STREET ADDRESS
Brooklyn	13	606 Neptune Avenue
TAX BLOCK(S) AND LOT(S) Block 7270, Lot 25		ZIP CODE 11224

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Project Site is bounded by West 6th Street to the east, Sheepshead Bay Road to the south, Neptune Avenue to the north, and a house of worship (St. Paul's) to the west on Lot 4. The Project (rezoning) Area is the area bounded by West 6th Street to the east, Sheepshead Bay Road to the south, a distance of 150 feet from West 6th Street to the west, and Neptune Avenue to the north; over the Project Site, the Project Area, includes a small portion of Lot 4 (St. Paul's Church) within 150 feet of West 6th Street.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY	ZONING SECTIONAL MAP NUMBER
R6/C1-2 (Special Ocean Parkway District)	28d

6. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☒ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☐ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☒ OTHER, explain: Minor Mod to RD	

☐ 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.): 35,700 sf

Roads, buildings, and other paved surfaces (sq. ft.): 35,700 sf

Waterbody area (sq. ft) and type:

Other, describe (sq. ft.):

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): 4,249 gsf (existing)

NUMBER OF BUILDINGS: 1 (existing)

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 4,249 gsf (existing)

HEIGHT OF EACH BUILDING (ft.): 12 ft (existing)

NUMBER OF STORIES OF EACH BUILDING: 1 (existing)

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: 35,700 sf

The total square feet not owned or controlled by the applicant: Varying depth of approx. 10 ft into the adjacent Lot 4

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.)	0	4,249 (existing)	0	0
Type (*e.g.,* retail, office, school)	0 units	Eating and Drinking establishment with an accessory drive-through facility	N/A	N/A

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

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

Provide a brief explanation of how these numbers were determined:

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: The existing accessory drive through facility would cease operations; there would be no other changes to existing site conditions.

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2020

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 0

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

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: Institutional

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. See Appendix B.		
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?	☐	☒
5. *SHADOWS*: CEQR Technical Manual Chapter 8		

	YES	NO
(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:	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 1,007		
○ 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): 0		
(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		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒

	YES	NO
(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.		

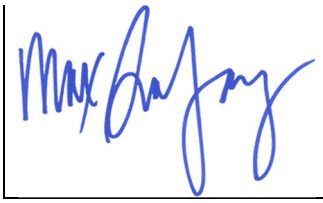
20. *APPLICANT'S CERTIFICATION*

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
Max Stember-Young	19 November 2020

SIGNATURE



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

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

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

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

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

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

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

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

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

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

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

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

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY New York City Department of City Planning
NAME Olga Abinader	DATE 11/25/20
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 include a zoning map amendment from C1-2 to C2-4 affecting Brooklyn Block 2720 Lot 25 and a portion of Lot 4; and a minor modification to a restrictive declaration. The existing building on the Project Site (Lot 25) is occupied by a commercial fast-food restaurant, and accessory drive-through which are the subject of previous approvals. The development on the site is inconsistent with the prior approvals. Collectively, the Proposed Actions would legalize the existing accessory drive-through facility at the Project Site. The zoning change from a C1-2 overlay district to a C2-4 overlay district would allow for the existing drive-through facility to be an as-of-right use. The proposed minor modification would tie the Project Site to the approved site plan. Since the actions would not facilitate a new use, a change in zoning, or an effect on public policy no significant adverse impacts would result from the proposed actions.

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 Laura Kenny at +1 212-720-3419.

TITLE	LEAD AGENCY
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 Olga Abinader	DATE 11/25/2020
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE 11/30/2020
SIGNATURE	

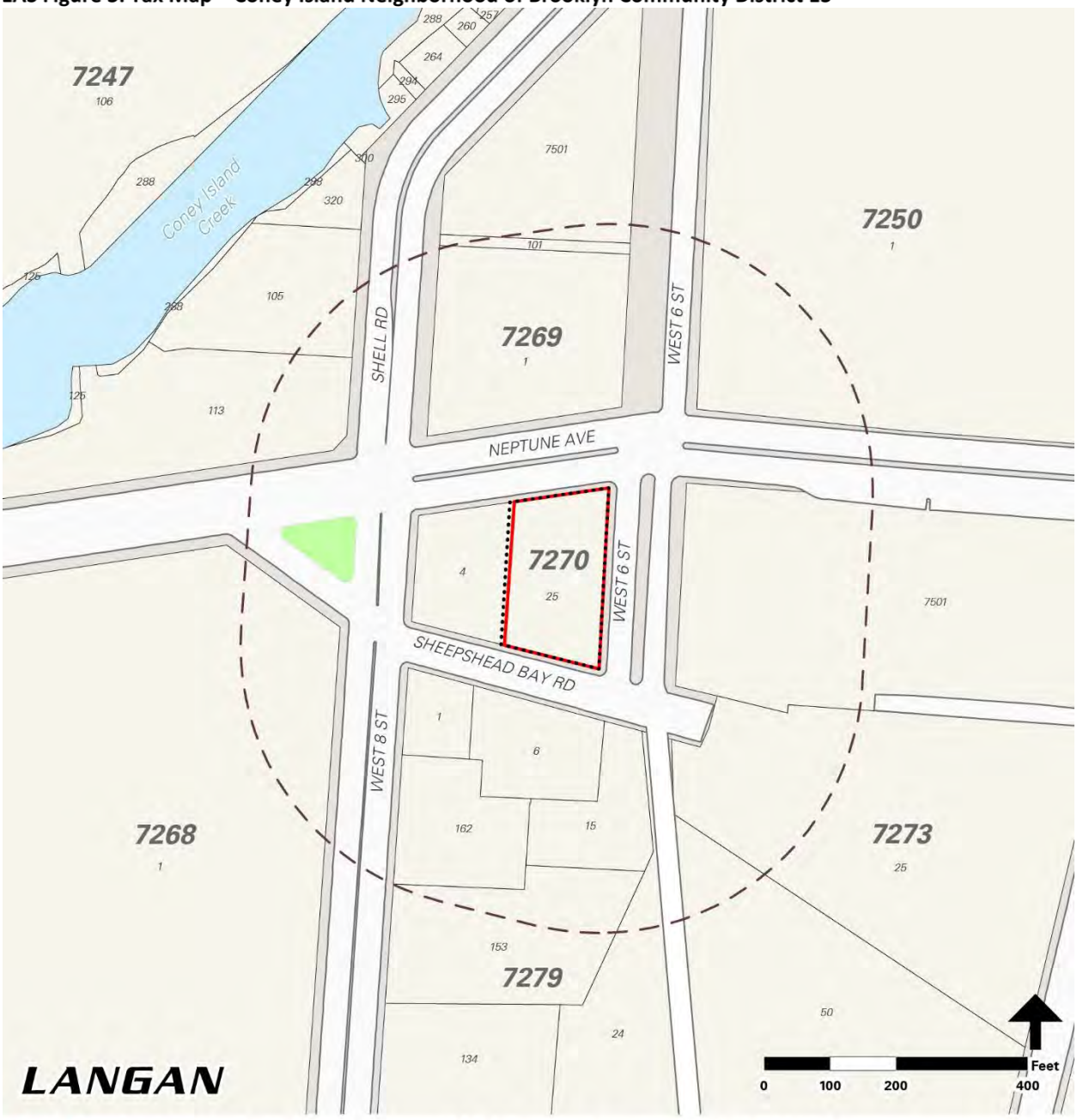
EAS Figure 1: Regional Location Map – Coney Island Neighborhood of Brooklyn Community District 13



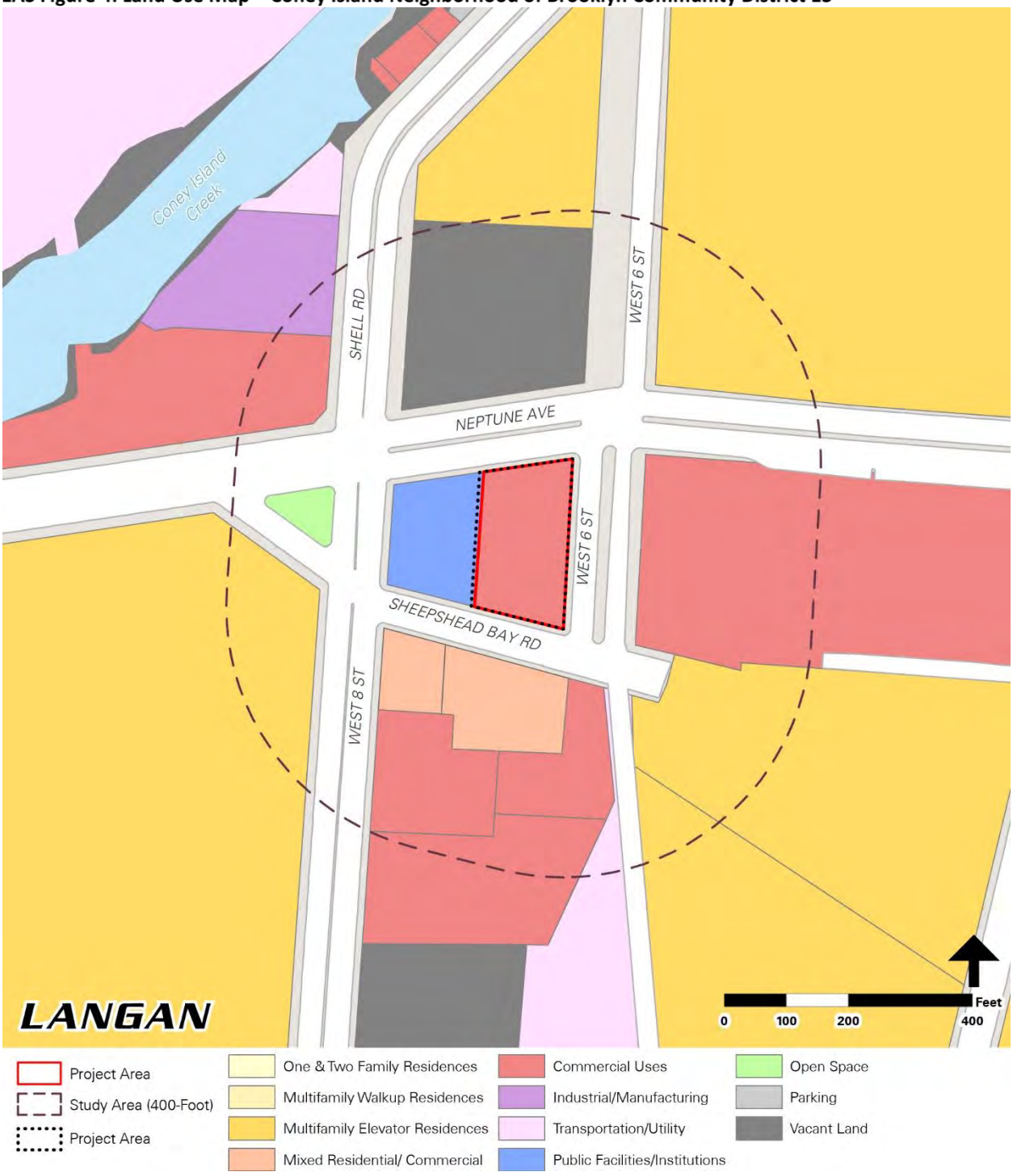
EAS Figure 2: Project Site Location Map – Coney Island Neighborhood of Brooklyn Community District 13



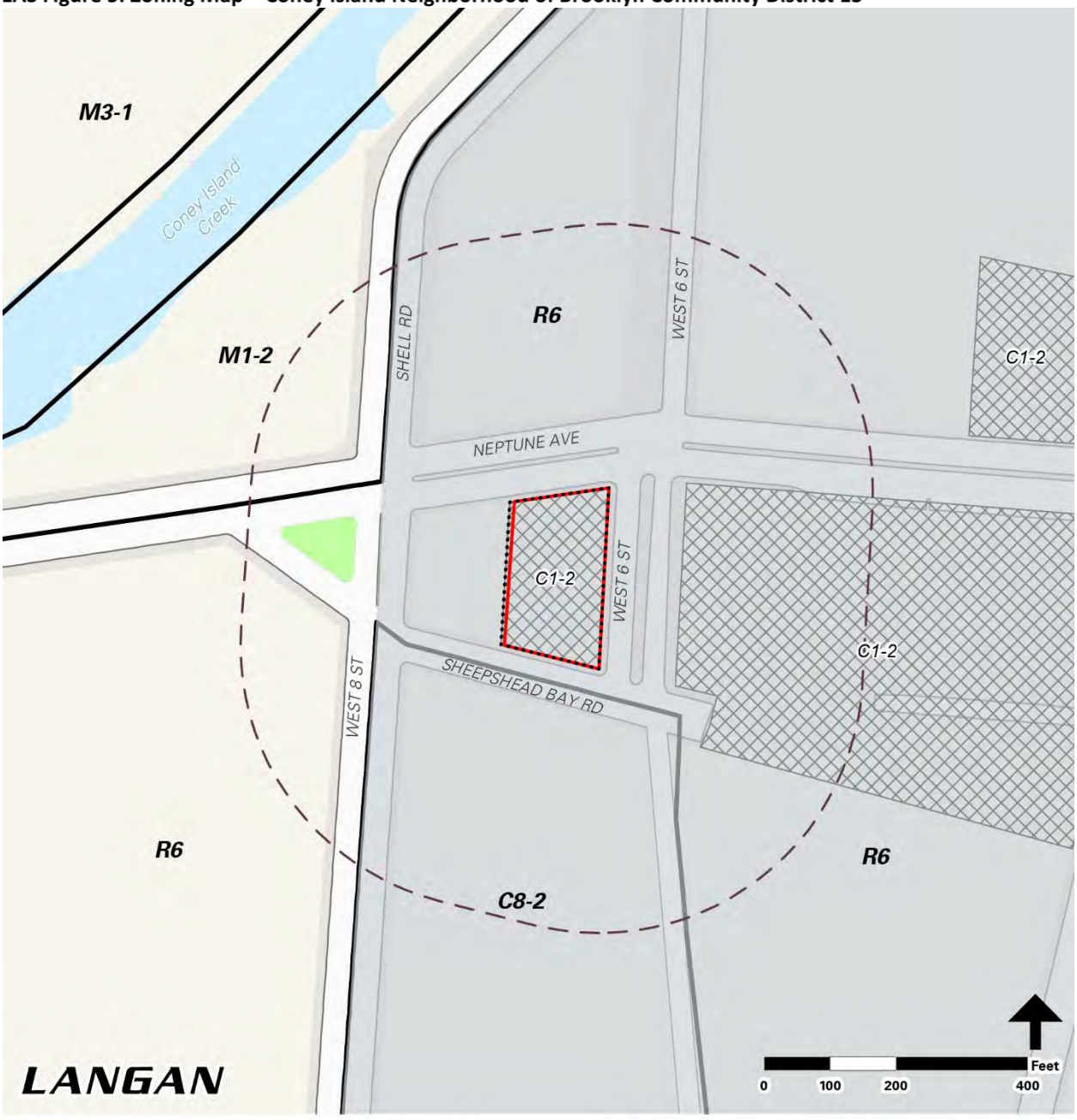
EAS Figure 3: Tax Map – Coney Island Neighborhood of Brooklyn Community District 13



EAS Figure 4: Land Use Map – Coney Island Neighborhood of Brooklyn Community District 13

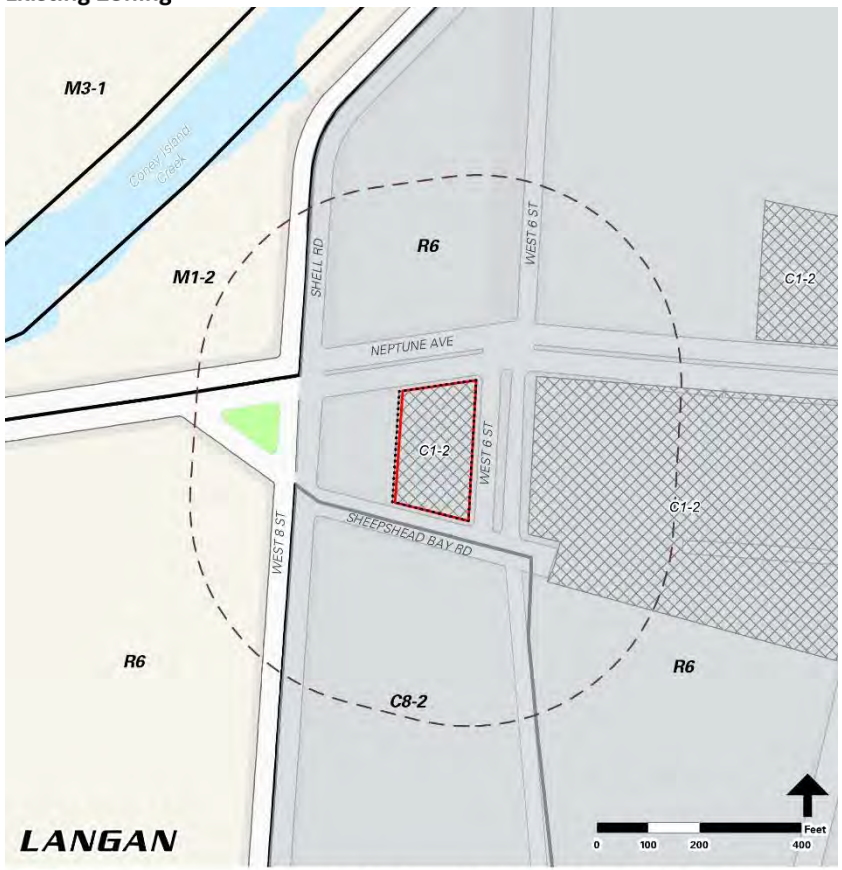


EAS Figure 5: Zoning Map – Coney Island Neighborhood of Brooklyn Community District 13



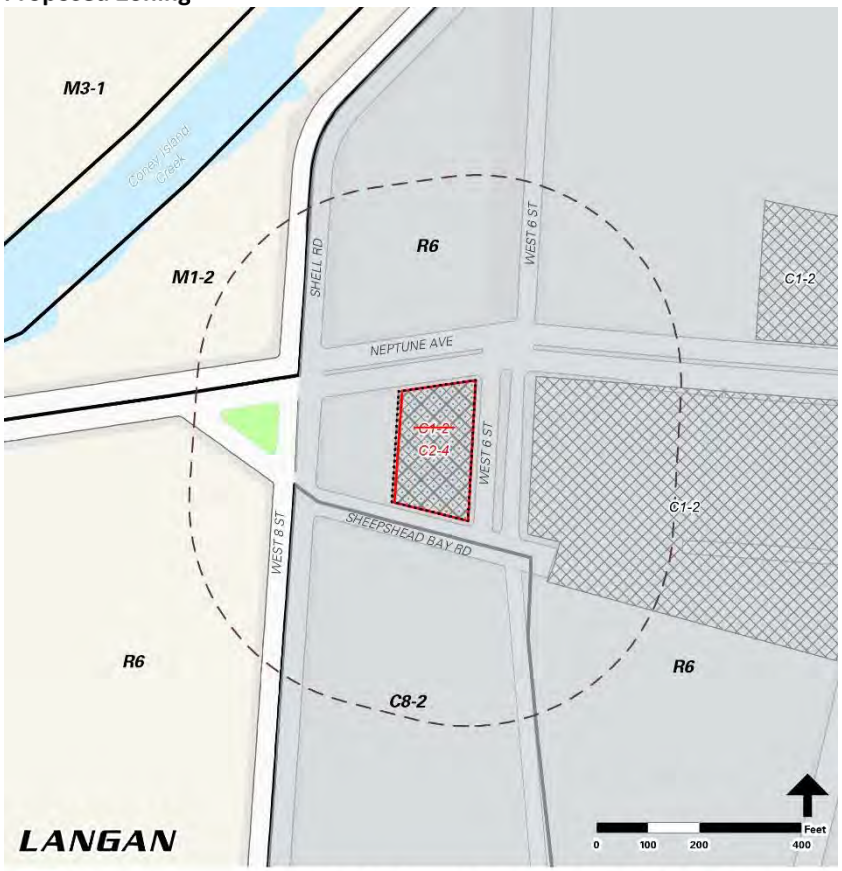
EAS Figure 6: Proposed Zoning Change Map – Coney Island Neighborhood of Brooklyn Community District 13

Existing Zoning



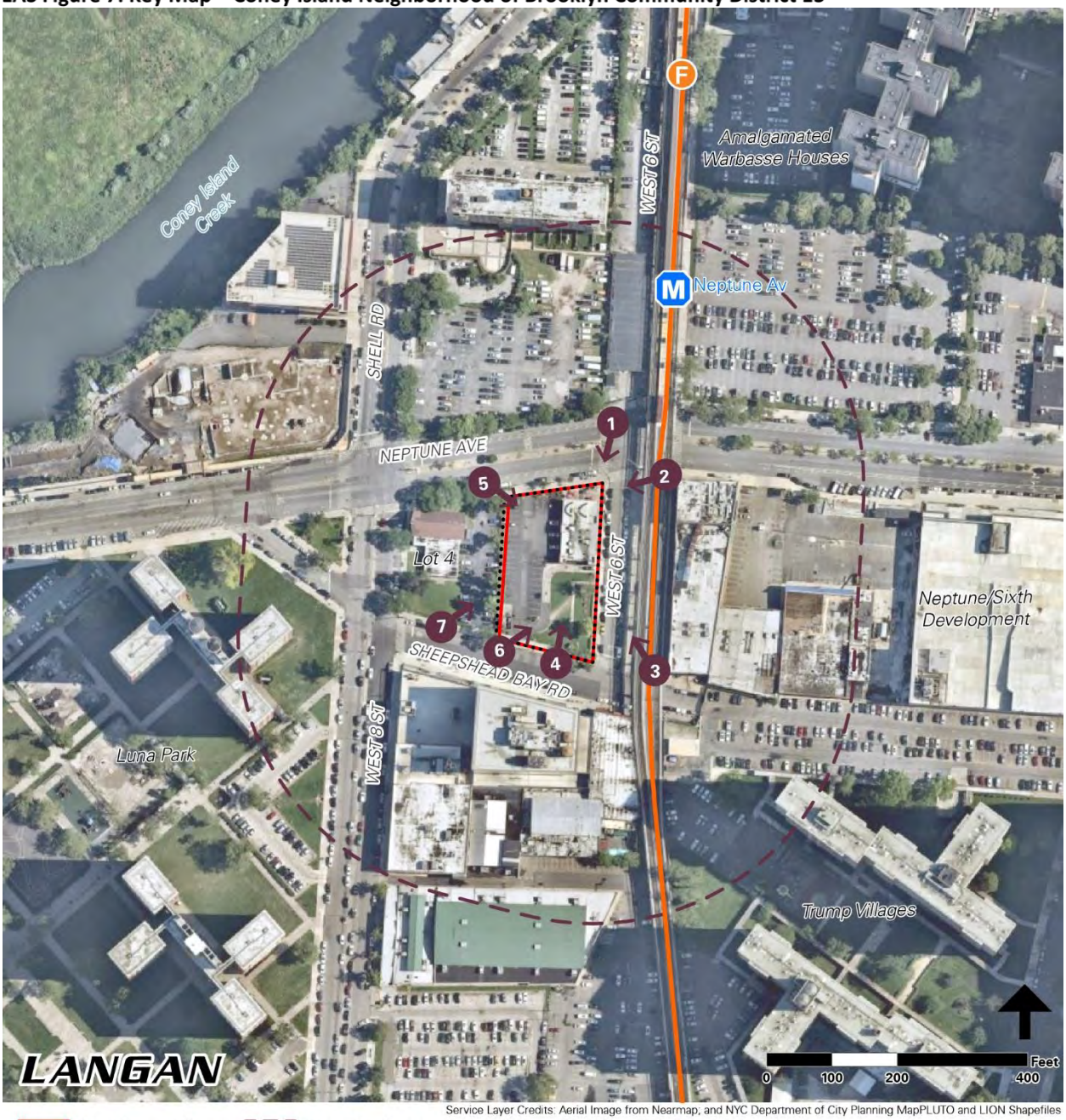
Project Site
Special Ocean Parkway District
Project Area
Zoning District
Study Area (400-Foot Radius)
C1-2 Commercial Overlay

Proposed Zoning

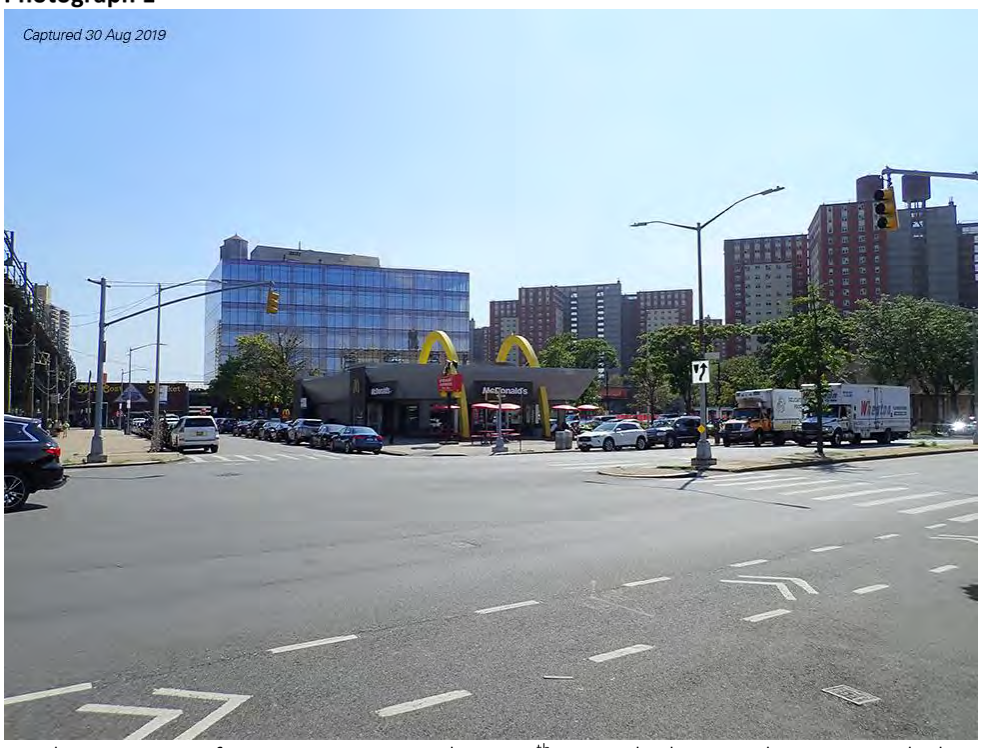


Project Site
Special Ocean Parkway District
Project Area
Zoning District
Study Area (400-Foot Radius)
C1-2 Commercial Overlay
C2-4 Commercial Overlay

EAS Figure 7: Key Map – Coney Island Neighborhood of Brooklyn Community District 13



Photograph 1



Northwest corner of Neptune Avenue and West 6th Street, looking southwest towards the Project Site.

Photograph 2



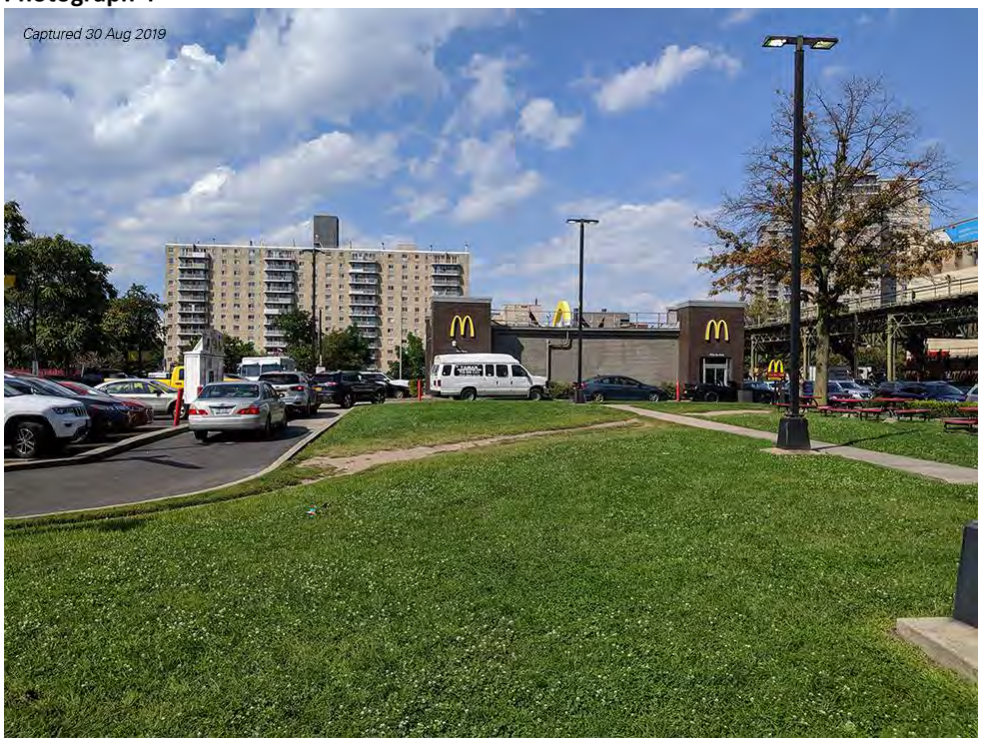
Southeast corner of Neptune Avenue and West 6th Street, looking west at the Project Site.

Photograph 3



Northeast corner of West 6th Street and Sheepshead Bay Road, looking northwest at the Project Site.

Photograph 4



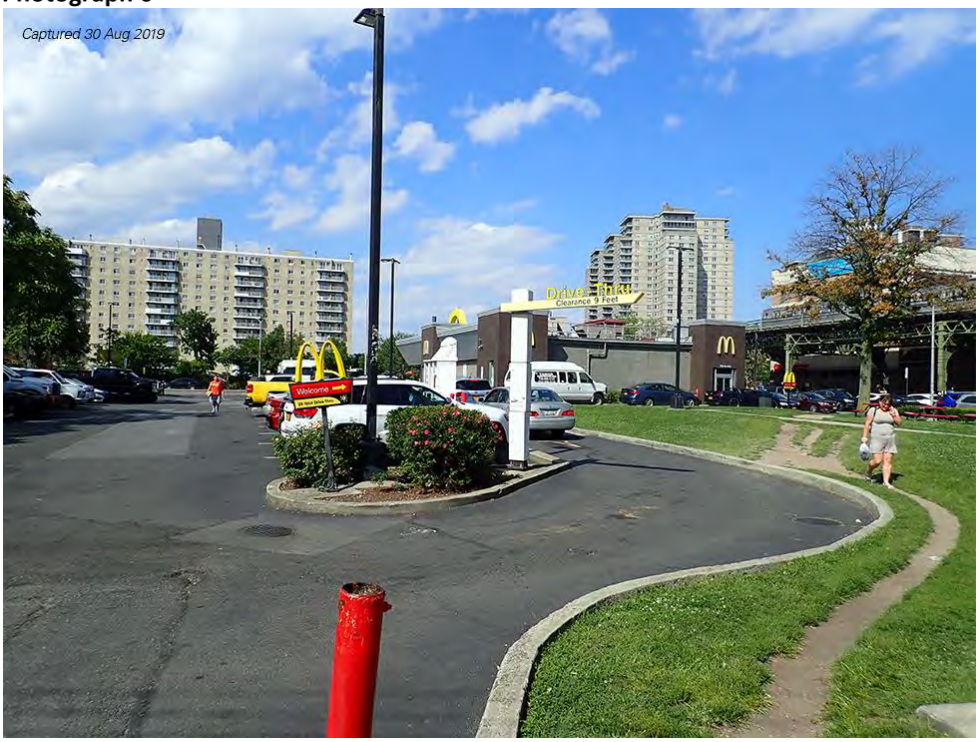
View of the McDonald's restaurant drive-through facility along Sheepshead Bay Road, looking north at the Project Site.

Photograph 5



Neptune Avenue between West 8th and 6th Streets, looking east at the side entrance of the Project Site.

Photograph 6



View of the backside of the McDonald's parking lot and drive-through facility, looking north at the Project Site along Sheepshead Bay Road.

Photograph 7



View of the St. Paul's Church parking lot and the McDonald's parking lot fence, looking northeast towards the Project Site along Sheepshead Bay Road.

A PROJECT DESCRIPTION

A1 Introduction

The Applicant, McDonald's Corporation, seeks a zoning map amendment and a minor modification to a restrictive declaration (the "Proposed Actions") to facilitate the legalization of an existing eating and drinking establishment containing an accessory drive-through facility (a McDonald's restaurant) at 606 Neptune Avenue in the Coney Island neighborhood of Community District 13, Brooklyn (EAS Figure 1). The Proposed Actions would replace a C1-2 commercial overlay district with a C2-4 commercial overlay district. The accessory drive-through facility is required for the economic feasibility of the McDonald's and approval of the Proposed Actions would allow the drive-through facility to remain as existing conditions (the "Proposed Project"). A minor modification is needed to the restrictive declaration that pertains to the site. The minor modification would replace the filed but outdated site plan with the current site plan approved by the Board of Standards and Appeals (BSA) in 2002 (BSA calendar No. 403-01-BZ). The Project Site's previously approved site plans are provided at Appendix A, and the land use application for the Proposed Actions is provided in Appendix B.

The Proposed Actions are discretionary land use actions subject to review under City Environmental Quality Review (CEQR), which is New York City's process to implement the New York State Environmental Quality Review Act (SEQRA). Under CEQR, City agencies review proposed discretionary actions to identify and disclose the potential effects those actions may have on the environment.

This Environmental Assessment Statement (EAS) has been prepared pursuant to Mayoral Executive Order No. 91 of 1977, as amended, the CEQR Rules of Procedure found at Title 62 RCNY Chapter 5 (CEQR), and the implementing regulations for SEQRA found at 6 NYCRR Part 617. This EAS will inform the New York City Department of City Planning (DCP), acting as lead agency on behalf of the City Planning Commission (CPC), to make a determination whether the Proposed Action would result in significant adverse environmental affects and require further environmental review.

A2 Project Site and Project Area

Project Site

The proposed zoning map amendment would replace the existing C1-2 commercial overlay district between Neptune Avenue and Sheepshead Bay, mapped to a depth of 150 feet west of West 6th Street, with a C2-4 commercial overlay district. The zoning map amendment would rezone the entirety of Brooklyn Block 7270, Lot 25, as well as a small portion of Lot 4 within 150 feet of West 6th Street (the "Project Area").

The Project Site, 606 Neptune Avenue (Block 7270, Lot 25), is a 35,700 square foot (sf) zoning lot bound by West 6th Street to the east, Sheepshead Bay Road to the south, Neptune Avenue to the north, and Lot 4 (St. Paul's Church) to the west (see EAS Figure 2 and EAS Figure 3). The Project Site is improved with a 4,249 gross square foot (gsf) (0.12 FAR) one-story McDonald's restaurant with an accessory drive-through facility, parking lot, and outdoor eating areas. The use is classified as an eating and drinking establishment, which is a Use Group 6 use. The Project Site is entirely within an R6/C1-2 zoning district and within the Special Ocean Parkway District. R6/C1-2 zoning districts permit community facilities (Use Group 3 and 4), and limited commercial uses. In C1-2 districts, outside of Special Districts, accessory drive-through facilities are permitted only by a BSA special permit pursuant to ZR 73-243. However, since the Project Site, is within a special purpose district (Special Ocean Parkway District), the BSA special permit is not available.

The Project Site has previous discretionary land use approvals spanning from 1975 to 2002, including both site-specific actions and generic rezoning actions. The Project Site's historical restrictive declarations are provided at Appendix A. In March 2020, the New York City Landmarks Preservation Commission determined the Project Site has no potential for architectural or archaeological historic resources (see correspondence in Appendix C).

CP-22865 ("Original Declaration")

In 1975, the CPC enacted a zoning map amendment (CP-22865, "Original Declaration") to allow a fast food restaurant at the Project Site. On May 6, 1975 a restrictive declaration consistent with CP-22865 was recorded (see Appendix A-1). No site plan was appended to this restrictive declaration.

CP-23285 (Special Ocean Parkway District)

The Ocean Parkway Special Purpose District was mapped across the entirety of the Project Area on January 20, 1977. The Special Ocean Parkway District was established to promote and strengthen the scenic landmark designation of Ocean Parkway, while improving the environmental quality and circulation of the district. The special purpose district also seeks to maintain the existing scale and character of the community and to promote the most desirable land use in the area.

Text Amendment to Establish CPC Special Permit for Drive-Through Facilities Accessory to Eating and Drinking Establishments (N 790716 ZRY)

In 1980, the CPC amended section 32-15 of the New York City Zoning Resolution (ZR) – Use Group 6 to permit eating and drinking establishments with accessory drive-through in certain C1 and C4 districts. Additionally, Section 73-243 of the ZR was established to permit eating and drinking establishments with accessory drive-through facilities in C1-1, C1-2 and C1-3 districts by special permit of the BSA for a term not to exceed five years. The special permit is not

available in special purpose districts such as the Special Ocean Parkway District, the special district in which the Project Site is located.

BSA Cal. No.: 98-82-BZ ("First Amended Declaration")

On July 13, 1982, although BSA was not permitted to approve a drive-through in a Special District, the BSA approved a special permit (BSA Cal. No. 98-82 BZ) for a term of five years, to allow an accessory drive through facility at the Project Site. On April 25, 1983, after the CPC modified the original restrictive declaration (ULURP#: N 830596 ZDK), an amended declaration was recorded showing the site plan approved by the BSA in 1982 (see Appendix A-2).

Second Amended Declaration ("Effective Declaration")

On March 18, 1986, the BSA approved a rearrangement of the site plan, including the drive-through facility traffic pattern and to decrease the accessory parking spaces from 39 to 37. On January 27, 1987, the First Amended Declaration was extended for a term of five years to July 13, 1992. On April 13, 1987, after the CPC approved modification to the first amended declaration, the second amended declaration was recorded to reflect the site plan approved by BSA on March 18, 1986.

Between July 13, 1992 and October 4, 1994, the Project Site operated with a lapsed BSA Special Permit. On October 4, 1994, subsequent to the lapse of the First Amended Declaration on July 13, 1992, the Effective Declaration was extended from the Special Permit's lapse date for a term of five years to July 13, 1997 (see Appendix A-3).

BSA Cal. No. 403-01-BZ

The BSA special permit expired in 1997 and was renewed on May 21, 2002 (BSA Cal. No. 403-01-BZ) for a term of five tears up to May 21, 2007. Between July 13, 1997 and May 21, 2002, the Project Site operated with a lapsed BSA Special Permit. The 2002 renewal included modifications to the 1986 site plan (the site plan shown in the Effective Declaration); the drive-through circulation was reconfigured and the number of accessory parking spaces was increased from 29 spaces to 36. The current configuration of the McDonald's restaurant and drive-through facility was approved by BSA in 2002, however, the Effective Declaration was never amended to reflect the site plan approved by BSA in 2002. The Special Permit lapsed on May 21, 2007 (see Appendix A-4).

BSA Cal. No. 227-14-BZ

The Project Site has operated with a lapsed BSA Special Permit since May 21, 2007. On September 22, 2014, McDonald's sought to renew the permit under BSA Cal. No. 227-14-BZ subsequent to the lapse of the 2002 BSA Special Permit on May 21, 2007. However, on January 12, 2015, BSA issued a letter to a representative of McDonald's stating that "ZR 73-243, which authorizes the Board to permit accessory drive-through facilities in certain zoning districts, explicitly prohibits the Board from issuing permits for accessory drive-through facilities in special purpose districts. As such, the Site is not eligible for the special permit sought in the Application."

Project Area

The Project Area includes a small portion of Lot 4 – 10 feet of the easternmost side and rear yard – within 150 feet of West 6th Street. The remaining portions of Lot 4, which contains St. Paul's Evangelical Lutheran Church, are within an R6 zoning district with no commercial

overlay. The entirety of the Project Area is within the Special Ocean Parkway District and the NYC Coastal Zone.

The Project Area is served by public transportation with access to the F line of the New York City Transit (NYCT) subway station one block to the north, on the north side of Neptune Avenue at West 6th Street. Access is available to the F and Q subway lines at the West 8th Street-New York Aquarium station south of the Project Area (0.3 miles) on West 8th Street. Access is also available to the D, F, N, and Q lines at the Coney Island-Stillwell Avenue station, west of the Project Area (0.4 miles) on Stillwell Avenue.

Eastbound and westbound B68 buses are accessible from the intersection of Neptune Avenue and West 6th Street. The Coney Island-Stillwell Avenue subway station to the south is serviced by the B36, B64, B68, B74, and B82 bus routes. The B36 bus provides connections between Seagate and Sheepshead Bay via Surf Avenue and Nostrand Avenue. The B36 bus route has a bus stop at the intersection of West 5th Street and Neptune Avenue 0.2-miles west of the Project Site along Neptune Avenue. The B64 bus provides connections between Coney Island and Bay Ridge via Bath Avenue and Bay Ridge Avenue, with the nearest bus stop from the Project Site at the intersection of Stillwell Avenue and Neptune Avenue (0.4 miles west along Neptune Avenue). The B68 bus provides connections between Coney Island and Park Slope via Coney Island Avenue and Prospect Park Southwest. The B68 bus route stops across West 6th Street from the Project Site on Neptune Avenue to the east of West 6th Street. The B74 bus provides connections between Coney Island and Sea Gate via Mermaid Avenue, and the B82 bus provides connections between Coney Island and Spring Creek via Kings Highway and Flatlands Avenue. The B74 and B82 bus routes have a stop 0.5 miles to the west of the Project Site at Stillwell Terminal.

A3 Purpose and Need

The existing building on the Project Site is occupied by a McDonald's restaurant, which has occupied the site since 1978 and provides employment opportunities for the surrounding community. The accessory drive-through has been in operation since 1982, pursuant to a BSA special permit (ZR 73-243; BSA Cal. No. 98-82-BZ). Between July 13, 1992 and October 4, 1994 the Project Site operated with a lapsed BSA Special Permit. On October 4, 1994 the Effective Declaration was extended from the Special Permit's lapse date for a term of five years to July 13, 1997. The permit expired in 1997 and was renewed in 2002 for a term of five years up to May 21, 2007 (BSA Cal. No. 403-01-BZ) after operating with a lapsed BSA Special Permit from 1997 to 2002. Lapses to the BSA Special Permits, in 1992, 1997, and 2007 were the result of the different franchisee's failure to understand its obligation to secure BSA renewals. Since re-issuance, the BSA discovered in 2015 that the BSA special permit was found to be issued in error because sites within special districts (such as the Special Ocean Parkway District) are not eligible for BSA special permits pursuant to ZR 73-243. The accessory drive-through facility is therefore a non-conforming use because accessory drive-through facilities are permitted in C1-2 districts only with a BSA special permit pursuant to ZR 73-243, which is not available in the Special Ocean Parkway District.

The existing configuration of the McDonald's restaurant and accessory drive-through facility, including the landscaping, parking, outdoor eating areas, and circulation of the Project Site was approved by BSA in 2002. To reflect the existing conditions (and those that were approved by the BSA in 2002 but did not receive CPC approval and were never recorded in an amended declaration), the Effective Declaration would be modified (a minor modification), an action that requires approval from the CPC. The Applicant did not previously submit the existing configuration to the DCP and the CPC for approval. The minor modification would include the

proposed site plan, which reflects the existing configuration of the McDonald's restaurant (see Appendix B).

Collectively, the Proposed Actions would legalize the existing accessory drive-through facility at the Project Site. The zoning change from a C1-2 overlay district to a C2-4 overlay district would allow for the existing drive-through facility to be an as-of-right use. The proposed amendment to the Effective Declaration would tie the Project Site to the approved site plan (or one that is substantially compliant). The drive-through is required for the economic feasibility of the restaurant and has not had any adverse impacts on the surrounding area.

A4 Surrounding Area

The area within 400 feet of the Project Area (the "Study Area") is bisected by an elevated MTA subway line along West 6th Street, and primarily includes commercial, residential, and parking facilities. Residential tower-in-a-park buildings and commercial uses predominately surround the MTA subway line within the Study Area. The Neptune Avenue MTA subway station is in the north of the Study Area along West 6th Street. This station provides connections to Manhattan along the F line.

In the northeast of the Study Area and to the east of the Neptune Avenue subway station is a private accessory parking lot for the Amalgamated Warbasse Houses. Directly north of the Project Site and across Neptune Avenue is another public surface parking lot with a multi-family residential building beyond. A New York Police Department (NYPD) shed is next to the public surface parking lot on Neptune Avenue and the elevated MTA subway line along the west side of West 6th Street. To the northwest is a self-storage facility along the Coney Island Creek waterfront. Immediately to the west of the Project Site is a house of worship, St. Paul's Evangelical Lutheran Church. To the west and southwest, along the western side of Shell Road, is the Luna Park Apartments development, a multi-family residential development with five residential buildings arranged in a tower-in-a-park setting.

To the south and opposite Sheepshead Bay Road from the Project Area is a newly constructed mixed use building with ground floor retail space and office space above. Farther south of this building is a two-story commercial building with local retail establishments and a Department of Motor Vehicles office building. Farther south along the west side of West 6th Street is another public parking facility. The NYPD 60th Precinct and the City of New York Fire Department (FDNY) 43rd Battalion (Engine 245, Ladder 161) are farther south of this public parking facility on the east side of Shell Road.

To the southeast of the Project Area are two multi-family buildings arranged in towers-in-a-park setting that are set back from the elevated MTA subway line. To the east of the Project Area and across West 6th Street is a shopping plaza with accessory parking near the Neptune Avenue frontage. The plaza includes a three-story commercial and office building and several one-story buildings developed around the parking area perimeter, occupied by a mix of general retail uses.

A5 Proposed Actions

To facilitate the Proposed Project, the Applicant seeks two discretionary actions:

1. A zoning map amendment to change the existing C1-2 commercial overlay in the Project Area to a C2-4 commercial overlay district, which would permit drive-through facilities accessory to eating and drinking establishments as an as-of-right use in the Project Area.

2. A minor modification to the site's restrictive declaration (the Effective Declaration) to modify the site plan in the Effective Declaration to match the site plan approved by BSA in 2002 (and the existing conditions).

The Proposed Actions would bring the existing accessory drive-through facility into conformance. The change in zoning from a C1-2 overlay district to a C2-4 overlay district would permit the accessory drive-through to be an as-of-right use. Ultimately, the McDonald's would continue to operate with no physical changes to the Project Site.

A6 Analysis Framework

The EAS framework is based on the guidelines established in the March 2014 edition of the CEQR Technical Manual (*CEQR Technical Manual*). For each technical area, the *CEQR Technical Manual* defines thresholds that, if met or exceeded, typically require a detailed analysis. Accordingly, preliminary screening analyses were conducted for all applicable CEQR technical areas to determine if detailed analyses would be necessary. The following EAS sections provide information for technical categories listed in Part II of the EAS form that determined which CEQR thresholds were met or exceeded, and which area required supplemental information.

Analysis (Build) Year

The Proposed Project would not involve any new development and the existing building would remain as existing conditions. The drive-through facility is already part of the existing building and no new development would be associated with the Proposed Project. The Proposed Project would therefore be complete and operational by the end of 2020 ("Build Year"), which coincides with the anticipated conclusion of the required public review through the Uniform Land Use Review Process (ULURP).

No-Action Condition

The No-Action Condition is the same as the existing conditions, except that the drive-through facility would cease to operate. The closure of the drive-through facility would bring the McDonald's into conformance with the underlying zoning because drive-through facilities accessory to eating and drinking establishments are not permitted in C1-2 overlay districts in special purpose districts, including the Special Ocean Parkway District (outside of special districts within C1-2 districts, underlying zoning permits accessory drive-through facilities only with a BSA special permit pursuant to ZR 73-243).

In the No-Action Condition, the existing drive-through circulation areas would be used as a vehicular egress driveway. There would be no modifications to the Project Site beyond the closure of the drive-through facility, and the existing 4,249 gsf, one-story eating and drinking establishment would remain.

With-Action Condition

In the With-Action Condition, the Proposed Actions would be adopted and the Project Site would be within a R6/C2-4 zoning district, which permits eating and drinking establishments with accessory drive-through facilities as an as-of-right use. The With-Action Condition would allow the 4,249 gsf McDonald's with an accessory drive-through facility to remain as existing conditions. The minor modification to the Effective Declaration would tie the Project Site's site plan to the site plan approved by the BSA in 2002, which also reflects existing conditions.

Increment

The sole difference between the No-Action and With-Action Conditions is that the Project Site would have an accessory drive-through facility. The increment for analysis is shown in Table A-1.

Table A-1: Increment Table

Land Use	No-Action	With-Action	Increment
Eating and Drinking Establishment (gsf)	4,249	4,249	+0
Accessory Parking (spaces)	36	36	+0
Accessory Drive-Through Facility	No	Yes	Yes

B LAND USE, ZONING, AND PUBLIC POLICY

B1 Introduction

According to *CEQR Technical Manual* guidelines, a land use and zoning assessment is warranted if a proposed project would result in a change in zoning different from the surrounding zoning. This analysis also considers the project's compliance with, and effect on, the area's zoning and other applicable public policies.

The Proposed Actions include:

1. A zoning map amendment to change the existing C1-2 commercial overlay in the Project Area to a C2-4 commercial overlay district, which would permit drive-through facilities accessory to eating and drinking establishments as an as-of-right use in the Project Area.
2. A minor modification to the site's restrictive declaration (the Effective Declaration) to modify the site plan in the Effective Declaration to match the site plan approved by BSA in 2002 (and the existing conditions).

The Proposed Actions would bring the existing drive-through facility accessory to the McDonald's into conformance. The change in zoning from a C1-2 overlay district to a C2-4 overlay district would permit the accessory drive-through to be an as-of-right use. Ultimately, the McDonald's would continue to operate with no physical changes to the Project Site.

B2 Methodology

The analysis in this land use, zoning, and public policy assessment follows the guidance set forth in the *CEQR Technical Manual*. The analysis assesses the Proposed Actions' consistency with land use patterns and development trends, zoning regulations, and applicable polices.

The land use, zoning, and public policy study area is defined as the 400-foot radius around the Project Area (the "Study Area," see EAS Figure 4), which is in the Coney Island Neighborhood

of Brooklyn Community District 13. Existing conditions within the Study Area were identified through field reconnaissance and research of available resources such as the Department of City Planning's (DCP) Zoning Application Portal (ZAP), Primary Land Use Tax Lot Output (PLUTO™) data files, and the NYC Department of Finance's Automated City Register Information System (ACRIS). Relevant public policy documents were also reviewed to identify and describe existing public policies that have the potential to affect both the Project Site and Study Area.

B3 Land Use and Zoning

Existing Conditions

Project Site and Project Area

The Project Site comprises of one 35,700 square foot (sf) lot: Brooklyn Block 7270, Lot 25. The lot is bounded by Neptune Avenue to the north, West 6th Street to the east, Sheepshead Bay Road to the south, and a house of worship (St. Paul's Evangelical Lutheran Church) to the west. The Project Site is improved with a 4,249 gsf McDonald's (an eating and drinking establishment) with an accessory drive-through facility, 36 at-grade paved accessory parking spaces, outdoor seating, and small landscaped areas that help define parking and circulation.

The Project Area includes the entirety of the Project Site and portions of Block 7270 within 150 feet of West 6th Street. Thus approximately 10 feet of the eastern-most portions of Lot 4 – the site of St Paul's Evangelical Lutheran Church – is also within the Project Area.

The Project Site is in the Special Ocean Parkway District and is in an R6/C1-2 district (see EAS Figure 5). The C1-2 overlay is mapped to a depth of 150 feet from West 6th Street and is mapped over the eastern-most portions of Lot 4. R6 districts are medium-density non-contextual residential districts that allow residential and community facility uses. Within 100 feet of a wide street, residential development is permitted at a maximum floor area ratio (FAR) of 3.0 under Quality Housing (QH) regulations; a residential FAR of 2.2 is permitted beyond 100 feet of a wide street. Under QH regulations, R6 districts allow development at a maximum building height of 70 (or 75 feet with a qualifying ground floor) within 100 feet of a wide street, and 55 feet beyond 100 feet of a wide street. C1-2 commercial overlay districts are local retail and service districts that allow a maximum commercial FAR of 2.0 within an R6 residential district. In mixed use buildings, commercial and/or community facility uses must be located below residential units. C1-2 overlays require accessory parking at one spot per 300 gsf of general retail space.

The Special Ocean Parkway District is mapped across areas to the east and west of Ocean Parkway between Prospect Park and Brighton Beach. Ocean Parkway (which is beyond the Study Area) is a scenic landmark designated by the NYC Landmarks Preservation Commission. The special district is mapped on either side of Ocean Parkway and aims to enhance the qualities of the street by setting certain restrictions on front yards and off-street parking. Additionally, the special district also limits the bulk of community facilities to maintain the existing scale and character of the surrounding community.

The Project Site has several previous discretionary land use approvals that span from 1975 to 2002. In 1975, CPC enacted a zoning map amendment (CP-22865) to allow construction of a fast food restaurant. In 1982, the NYC Board of Standards and Appeals (BSA) approved a special permit (BSA Cal. No. 98-82 BZ) to allow an accessory drive through facility at the Project Site for a term of five years. The special permit was renewed for two additional five year terms in 1987 and 1994. The BSA special permit expired in 1997 and was renewed in May 2002 (BSA

Cal. No. 403-01-BZ). Between July 13, 1997 and May 21, 2002, the Project Site operated with a lapsed a BSA Special Permit. The 2002 renewal included modifications to the 1982 site plan; the drive-through circulation was reconfigured and the number of accessory parking spaces was increased from 29 spaces to 36. The current configuration of the McDonald's restaurant and drive-through facility was approved by BSA in 2002. The BSA Special Permit approved in 2002 lapsed on Map 21, 2007, and the Project Site has operated with a lapsed BSA Special Permit since. However, in 2014, BSA notified the Applicant that, since the Site is located in the Special Ocean Parkway District, the special permit is not available.

Study Area

The area within 400 feet of the Project Area (the "Study Area," see EAS Figure 4) is bisected by an elevated MTA subway line along West 6th Street, and primarily includes commercial, residential, and parking facilities. Residential tower-in-a-park buildings and commercial uses predominately surround the MTA subway line within the Study Area. The Neptune Avenue MTA subway station is in the north of the Study Area along West 6th Street.

In the northeast of the Study Area and to the east of the Neptune Avenue subway station is a private accessory parking lot for the Amalgamated Warbasse House. Directly north of the Project Site and across Neptune Avenue is another public surface parking lot with a multi-family residential building beyond. A New York Police Department (NYPD) shed is directly next to the public surface parking lot on Neptune Avenue and the elevated MTA subway line along the west side of West 6th Street. To the northwest is a self-storage facility along the Coney Island Creek waterfront. Immediately to the west of the Project Site is a house of worship, St. Paul's Evangelical Lutheran Church. To the west and southwest, along the western side of Shell Road, is the Luna Park Apartments development, a multi-family residential development with five residential buildings arranged in a tower-in-a-park setting.

To the south and opposite Sheepshead Bay Road from the Project Area is a newly constructed mixed use building with ground floor retail space, a tenants-only accessory parking facility at the second floor, and office space above. The ground floor commercial space is occupied with a grocery store, a café, and a mix of general retail establishments. Farther south of this building is a two-story commercial building with a variety store at the ground level and a fitness gym above. In the very south of the Study Area is the Coney Island Department of Motor Vehicles office building that also contains local retail establishments along its West 8th Street frontage. Just to the east of this lot and along the west side of West 6th Street is another public parking facility. Farther south along Shell Road beyond the public parking facility on the east side of West 6th Street is the NYPD 60th Precinct facility and the City of New York Fire Department (FDNY) 43rd Battalion (Engine 245, Ladder 161).

To the southeast of the Project Area are two multi-family buildings arranged in towers-in-a-park setting, set back from the elevated MTA subway line. To the east of the Project Area and across West 6th Street is a shopping plaza with accessory parking near the Neptune Avenue frontage. The plaza includes a three-story commercial and office building and several one-story buildings developed around the parking area perimeter, occupied by a mix of general retail uses including a pharmacy, barber shop, variety store, two banks, and a post office.

The Study Area is predominately within an R6 zoning district (see EAS Figure 5). Other zoning districts mapped within the Study Area include a C8-2 commercial zoning district to the south of the Project Site south of Sheepshead Bay Road to the West 8th Street – NY Aquarium Subway Station in between West 8th Street and West 6th Street. C8-2 zoning districts are general service districts that permit a maximum FAR of 2.0 for commercial uses and requires one accessory parking space per 400 sf of general retail space. An M1-2 manufacturing district is also mapped to the northwest of the Project Site on the north side of Neptune Avenue and adjacent to

Coney Island Creek. M1-2 zoning districts are light manufacturing districts that permit a maximum FAR of 2.0 for manufacturing and commercial uses. Parking varies by use but requires one accessory parking space per 300 sf of general retail space.

Other than the Project Site, a C1-2 overlay district is also mapped in the east of the Study Area between Neptune Avenue, West 5th Street, the prolongation of Sheepshead Bay Road, and West 6th Street. C1-2 commercial overlays are commercial districts mapped within residential zoning districts providing local retail needs with up to 2.0 commercial FAR in an R6 residential district. One accessory parking space is required per 300 sf of general retail space.

No-Action Condition

Project Site

In the No-Action Condition the Project Site would remain as existing conditions, except that the existing drive through facility would be discontinued to bring the use into conformance with underlying zoning. The existing drive through driveway would continue to be used as an exit from the accessory parking area. The Project Site would remain in a R6/C1-2 district in the Special Ocean Parkway District. There are no known planned or proposed projects that would result in change to zoning in the Study Area.

Study Area

There are two known No-Build projects within the 400 feet of the Project Site that would be developed independent of the Proposed Project.

1. 809 Neptune Avenue (Block 7247 Lot 113) is an approximately 85,221 sf vacant lot abutting Coney Island Creek. In the No-Action Condition, this lot would be developed with a 69,183 gsf automotive dealership with 25,983 sf of accessory parking. [1]
2. 486 Neptune Avenue (Block 7273 Lot 7501) is a 171,716 sf lot bounded by West 5th Street to the east, Neptune Avenue to the north, West 6th Street to the west, and Trump Village to the south. The lot is improved with a mix of commercial buildings arranged in a retail plaza. In the No-Action Condition, the site would be developed with an 894,862 gsf, 42-story mixed use building with 509,470 gsf of residential space, 90,273 gsf of community space, and 106,342 gsf of commercial space.[2]

In the No-Action Condition, the two no-build developments would introduce additional residents and employees in the Study Area who may choose to purchase the food and beverage options offered by McDonald's. No-Build developments that would occur within the Study Area in the No-Action Condition are summarized in Table B-1.

Table B-1: No-Build Developments in the Study Area

Address	Bl	Lot	Building Height (ft)	Residential gsf	Commercial gsf	Community gsf
809 Neptune Ave	7247	113	60	0	69,183	0
486 Neptune Ave	7273	7501	457	509,470	106,342	90,273

[1] *New York City Department of Building's Buildings Information System (BIS), scanned 12/18/2018, last accessed 11 November 2019.* http://a810-bisweb.nyc.gov/bisweb/JobsZoningDocumentsServlet?requestid=3&allisn=0002789889&passjobnumber=321193418&passdocnumber=01&allbin=3424676.

[2] *BIS, scanned 12/17/2018, last accessed 11 November 2019.* http://a810-bisweb.nyc.gov/bisweb/JobsZoningDocumentsServlet?requestid=3&allisn=0002402377&passjobnumber=320622714&passdocnumber=01&allbin=3426198.

With-Action Condition

In the With-Action Condition, the Project Site would remain as existing conditions – a McDonald's with accessory parking, landscaping, and outdoor eating areas. The Proposed Action would replace the existing C1-2 overlay district with a C2-4 overlay district (see EAS Figure 6). The change in zoning would permit the accessory drive-through to be an as-of-right use and would bring the Project Site into conformance with applicable land use regulations. The Study Area contains a mix of general retail uses, including other eating and drinking establishments, and McDonald's would remain in the No-Action Condition. The eating and drinking establishment with an accessory drive through facility would therefore not be incompatible with other surrounding land uses. The two no-build developments within 400-feet of the Project Site would introduce new residents and employees who could potentially dine at the McDonald's restaurant. A minor modification to the second amended declaration ("Effective Declaration") would be implemented to update the site plan in the restrictive declaration with one that matches the 2002 BSA approved site plan (and existing conditions). The restrictive declaration would tie the Project Site to the site plan (or one that is substantially compliant) in the restrictive declaration.

Land Use and Zoning Conclusion

The Proposed Project would bring into conformance the existing drive-through on the Project Site. The Study Area primarily contains residential and commercial uses such as eating and drinking establishments, as well as parking facilities. Two no-build developments within the Study Area would introduce residents and employees in the Study Area who may choose to purchase the food and beverage options offered by McDonald's in both the No-Action and With-Action conditions. In the With-Action Condition the Proposed Project would continue to operate as existing conditions. Accordingly, since there would be no change in land use at the Project Site, the Proposed Project would remain compatible with other land uses in the Study Area. The Proposed Action involves a zoning map amendment that would replace a C1-2 overlay zoning district with a C2-4 overlay district and permit the accessory drive-through to be an as-of-right use. Accordingly, the Proposed Project would not result in any significant adverse land use and zoning impacts and no further analysis is warranted.

B4 Public Policy

According to the *CEQR Technical Manual*, a proposed project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy, requires an analysis of public policies that pertain to the study area. If the proposed action could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

OneNYC 2050

OneNYC originally released as PlaNYC in 2007, is a policy document designed to address New York City's long-term challenges, including a projected population increase to 9 million residents by 2050, changing climate conditions, an evolving economy, and aging infrastructure. OneNYC builds upon PlaNYC and focuses on eight goals and 30 initiatives that reflect both the strengths and challenges of the city. The eight goals include: a vibrant

democracy, an inclusive economy, thriving neighborhoods, healthy lives, equity and excellence in education, a livable climate, efficient mobility, and modern infrastructure.

The Proposed Project would not facilitate new development, but would bring the existing accessory drive-through into conformance with the proposed underlying zoning. The Proposed Project would not facilitate any modifications to the existing development on site but does provide job opportunities to residents in the surrounding area. The Project Area is well-served by transit. Accordingly, the Proposed Project would be consistent with the goals of OneNYC 2050.

Waterfront Revitalization Program (WRP)

The management tool for New York City's Coastal Zone is the Waterfront Revitalization Program (WRP), which was adopted in 1982. Projects that are within the designated boundaries of New York City's Coastal Zone must be assessed with the WRP. The City Planning Commission, acting as the City Coastal Commission, and the Department of City Planning administer the WRP, and ensure that local discretionary actions in the Coastal Zone are subject to review. Authorized by New York State's Waterfront Revitalization of Coastal Areas and Inland Waterway Act, the WRP looks to maximize environmental conservation, public use of the waterfront and economic development, while minimizing conflicts among these goals. The WRP is designed to review activities and decisions potentially affecting development on the coastal zones, which is determined by the consistency with the coastal policies found in the WRP. The framework for evaluating the policies is provided in the WRP, and supporting designation areas such as the Coastal Zone Boundary, Special Natural Waterfront Areas, and Significant Maritime and Industrial Areas were created to provide aid in analysis.

The WRP establishes ten policies for the development and use of the waterfront, and each policy contains a list of related goals.

1. Support and facilitate commercial and residential redevelopment in areas well-suited to such development;
2. Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation;
3. Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation;
4. Protect and restore the quality and function of ecological systems within the New York City coastal area;
5. Protect and improve water quality in the New York City coastal area;
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;
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;
8. Provide public access to, from, and along New York City's coastal waters;
9. Protect scenic resources that contribute to the visual quality of the New York City coastal area; and
10. Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.

The Project Site is within the City's Coastal Zone and the Proposed Project is therefore subject to review for consistency with the policies of the WRP. The WRP Consistency Assessment Form (CAF) provided at Appendix D lists the WRP policies and indicates whether the Proposed Project would promote or hinder that policy, or if that policy would not be applicable. The WRP Assessment form shows the WRP policies would not be applicable to the Proposed Project because the Proposed Project would bring the Project Site into conformance with the proposed zoning. The Proposed Project has no potential to conflict with the policies set forth in the WRP, and therefore no further WRP assessment is warranted.

Public Policy Conclusion

The Proposed Project would bring into conformance an existing eating and drinking establishment with an accessory drive-through. The Proposed Project would not be inconsistent with City public policies, including OneNYC and the WRP and further analysis is not warranted.

C URBAN DESIGN & VISUAL RESOURCES

C1 Introduction

This section assesses the potential for the Proposed Action to result in significant adverse urban design and visual resources impacts. According to the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from street level, a physical alteration beyond that allowed by the existing zoning.

The "Project Area" is in the Coney Island Neighborhood of Brooklyn Community District 13 and includes the portion of Block 7270 within 150 feet of West 6th Street. The Project Area includes the "Project Site" and a portion of Lot 4. The Project Site is Lot 25 and is one zoning lot occupied by a one-story McDonald's (see EAS Figure 3). A restrictive declaration was first recorded at the Project Site in 1975 (see Appendix A-1), and a site plan was recorded in the First Amended Declaration in 1982 (see Exhibit B of Appendix A-2). The restrictive declaration was further amended in 1986 (the "Effective Declaration," see Appendix A-3), which included revisions to the site layout. In 2002, the Project Site received a new site plan approval from the BSA, however, an amended restrictive declaration was never recorded to match the 2002 BSA approval (see Appendix A-4). The existing conditions are consistent with the site plan approved by BSA in 2002.

In the No-Action Condition, the McDonald's restaurant would continue to operate under existing conditions, except that the drive-through would cease to operate to bring the McDonald's into conformance with the underlying zoning. The site plan in the Effective Restrictive Declaration (recorded March 1986 and provided in Appendix A-3) would continue to not match the existing conditions, which are consistent the site plan approved by BSA in 2002 (BSA Calendar Number: 403-01-BZ).

In the With-Action Condition, the Project Site would be within an R6/C2-4 zoning district, which permits eating and drinking establishments with accessory drive-through facilities as an as-of-right use. The minor modification to the Effective Declaration would align the restrictive declaration with the existing conditions (and the site plan approved by BSA in 2002; see Appendix A-4). A preliminary urban design and visual resource assessment is therefore

warranted to disclose that the minor modification would tie the Project Site's current site plan to the one approved by BSA in 2002, otherwise the existing conditions.

C2 Methodology

Based on the guidelines and definitions in the *CEQR Technical Manual*, an assessment of urban design and visual resources considers the Proposed Action's potential effect on streets, buildings, visual resources, open space, natural features, and wind.

The Project Area does not contain visual resources or natural features, and is not particularly prone to wind. There would be no urban design changes to the Project Site as a result of the Proposed Project, as the No-Action and With-Action urban design conditions would be the same.

Study Area

The Proposed Actions are limited to approximately one half block. According to the guidelines set forth in the *CEQR Technical Manual*, the study area for an urban design assessment is generally consistent with the land use study area, in this case a 400-foot radius around the Project Area). Therefore, the urban design and visual resources Study Area is the area surrounding 400 feet of the Project Area (see EAS Figure 7).

C3 Assessment

Existing Conditions

Project Site and Project Area

The Project Site is a 35,700 square foot (sf) zoning lot bound by West 6th Street to the east, Sheepshead Bay Road to the south, Neptune Avenue to the north, and Lot 4 (St. Paul's Church) to the west. The Project Site is improved with a 4,249 gross square foot (gsf) one-story McDonald's restaurant with an accessory drive-through facility, landscaped areas, and accessory parking lot. EAS Photograph 1 through EAS Photograph 7 show the existing visual conditions of the Project Site.

A paved outdoor seating area is on the north side of the building along Neptune Avenue (see EAS Photograph 1 and EAS Photograph 2). A grassy outdoor seating area is along West 6th Street south of the drive-through facility (see EAS Photograph 4 and EAS Photograph 6); both seating areas contain bench seating and tables. The southeast portion of the Project Site is landscaped with grass areas, shrubs, and commercial signage. The McDonald's restaurant has occupied the existing building on site since 1978, and the accessory drive-through (shown in EAS Photograph 4 and EAS Photograph 6) has been in operation since 1982.

The Project Area includes the portion of Lot 4 that is within 150 feet of West 6th Street – the easternmost approximately 10 feet along its side lot line to the Project Site. The remaining portion of Lot 4 contains the St. Paul's Evangelical Lutheran Church and accessory parking (see EAS Photograph 7). There are no publically accessible open spaces within the Project Area, however, there is a landscaped area adjacent to open accessory parking facilities on the Project Site.

The current configuration of the Project Site is consistent with the site plan approved by BSA in 2002 (see Appendix A-4) but does not match the site plan in the Effective Declaration (see Appendix A-3). The site plan in the Effective Declaration has an accessory drive-through lane

that would be accessed directly from Sheepshead Bay Road and would lead to a drive-through window on the west side of the McDonald's building. The Effective Declaration's site plan also shows drive-through lane egress to Sheepshead Bay Road (see Appendix A-3). The current site configuration (and as approved by BSA in 2002, (see Appendix A-4)) differs from the site plan in the Effective Declaration in that, in the current conditions:

1. The drive-through lane is accessed through the accessory parking area;
2. The drive-through window is sited on the south side of the building;
3. The drive-through lane is aligned along the south side of the building, providing access to the drive-through window;
4. The drive-through lane's egress is to West 6th Street; and
5. The accessory parking area has been reconfigured to allow egress to Neptune Avenue and to provide 36 spaces, 6 more than shown in the Effective Declaration's site plan.

Study Area

The Project Site fronts three wide streets, with the Project Site's northern frontage along Neptune Avenue and southern frontage along Sheepshead Bay Road, both east-west oriented streets. West 6th Street is a north-south oriented street. The Study Area primarily includes commercial, residential, and parking facilities and is bisected by the elevated MTA subway line along West 6th Street. Active ground floor uses are prevalent in most buildings and residential tower-in-a-park buildings surround the MTA subway line. To the south of the Project Site and across Sheepshead Bay Road is a recently constructed 7-story retail and office building.

No-Action Condition

In the No-Action Condition, the Project Site would remain as existing urban design conditions, except that the existing drive-through facility would be discontinued to bring the use into conformance with underlying zoning. The existing drive-through lane would continue to be used as an egress driveway from the accessory parking lot. The site layout would continue to be inconsistent with the site plan in the Effective Declaration (see Appendix A-3).

Within the Study Area, there would be no changes to the existing urban design conditions of the surrounding streets or open spaces. There are two "No-Build" projects in the Study Area that would continue to be under construction by the 2020 analysis year: "Neptune/Sixth" (486 Neptune Avenue, Block 7273, Lot 7501) and a car dealership showroom at 809 Neptune Avenue (Block 7247, Lot 113).

With-Action Condition

In the With-Action Condition, the Project Site would remain as existing urban design conditions (the sole change between the No-Action and With-Action conditions is that the drive-through would continue as existing conditions in the With-Action Condition). The McDonald's building, accessory parking, landscaping, and outdoor seating areas would remain as existing and No-Action conditions.

The Proposed Actions would permit the accessory drive-through to be an as-of-right use and bring the Project Site into conformance with the proposed underlying zoning. The minor modification to the Effective Declaration would align the restrictive declaration to match existing conditions (and the 2002 BSA approved site plan in Appendix A-4). The Proposed Actions would not affect the urban design conditions of the two "No-Build" projects within the

Study Area, nor would the Proposed Actions affect the urban design conditions of the streets, buildings, or open spaces within the Study Area.

C4 Conclusion

The Proposed Actions would bring into conformance the existing McDonald's restaurant and accessory drive-through facility. No additional development would occur on the Project Site and the McDonald's restaurant would continue to operate as existing conditions. There would be no change in the urban design conditions between the No-Action and With-Action conditions. Therefore, the overall urban design and visual resource effects of the Proposed Project would not alter the current urban design conditions of the Project Site. The Proposed Project would not adversely impact urban design and visual resources, and no further analysis is warranted.

A

606 Neptune Avenue
Historical Site Plan Approvals

LANGAN

A-1

Original Declaration (1975)
CP-22865

LANGAN

D E C L A R A T I O N

THIS DECLARATION is made by TRUMP VILLAGE CONSTRUCTION CORP., a New York corporation having offices at 600 Avenue Z, Brooklyn, New York 11223, and FRANCHISE REALTY INTERSTATE CORPORATION, an Illinois corporation registered to do business in the State of New York having offices at 1455 Broad Street, Bloomfield, New Jersey 07003, hereinafter called the "Declarants."

BL 7270

LOT 25

W I T N E S S E T H:

WHEREAS, the Declarant, TRUMP VILLAGE CONSTRUCTION CORP., is the fee owner and Declarant, FRANCHISE REALTY INTERSTATE CORPORATION, is the lessee of certain real property in the Borough of Brooklyn, Block 7270, Lot 25, City and State of New York, which real property hereinafter called the "Subject Property" is further described in Exhibit A attached hereto, and

WHEREAS, the said Subject Property is in an existing R6 district and Declarants believe it to be in their best interest to have the Subject Property zoned C1-2; and

WHEREAS, the Declarants desire to restrict further the manner in which the Subject Property may be developed, maintained, and operated, intending these restrictions to benefit all the land lying within one-half mile of the Subject Property including all such land owned by the City of New York; and

WHEREAS, the Declarants represent and warrant that no restrictions of record on the use of the Subject Property nor any present or presently existing future estate or interest in the Subject Property, nor any lien, obligation, covenant limitation or encumbrance of any kind precludes, presently or potentially,

RECD 727 1650

the imposition of the restrictions, covenants, obligations, easements, and agreements of this Declaration or the development of the Subject Property in accordance therewith.

NOW, THEREFORE, the Declarants do hereby declare that the Subject Property shall be held, sold, conveyed and occupied subject to the following restrictions and obligations which are for the purpose of protecting the value and desirability of the Subject Property and which shall run with such real property, binding every party having any right, title or interest in the Subject Property or any part thereof and binding all heirs, successors and assigns.

REEL 777 1631

1. The Declarants agree not to apply for any building or foundation permit for the Subject Property before the Department of City Planning has given its express written approval to site and landscaping plans. The aforesaid plans shall meet the following objectives:

a) Any building constructed shall bear a harmonious relationship to the surrounding streets.

b) Parking areas shall be oriented so that there is minimal environmental impact on the adjacent church.

c) Street trees shall be planted along the periphery of the Subject Property at a minimum average distance of 25 feet on center, and shall be not less than 3 inches in caliper, measured one foot above the ground. The species shall be one or more of the following: Flowering Cherry, Golden Rain Tree, Russian Olive, Ash Green, Bradford Pear, Amur Cork, Smooth Leaf Elm, Katsura, Little Leaf Linden, Red Maple, Willow Oak, Japanese Zelkova, Gingko, Japanese Pagoda, Silver Linden, Red Oak, Sweetgum, or London Plane.

d) Along the westerly lot line of the Subject Property, there shall be planted, maintained and, as the need may arise, replaced, bushes, shrubs or trees of sufficient foliage to shield the Subject Property from view from the adjoining property at all seasons of the year.

e) Bright lighting shall be installed, covering the Subject Property, including sidewalks. All lighting shall be directed away from the adjacent property.

2. Declarants covenant to include a copy of this Declaration as part of any application, pertinent to the Subject Property, submitted to the New York City Department of Buildings or any agency succeeding to its jurisdiction.

3. This Declaration shall become effective when the City Planning Commission and the Board of Estimate acting pursuant to the Zoning Resolution of the City of New York shall have duly approved CP-22865.

4. Declarants recognize that the City of New York is an interested party in this Declaration and consents to the City's enforcing the covenants, conditions, restrictions and agreements herein contained by whatever means may be appropriate to the situation.

5. This covenant is intended to run with the land and shall be so construed.

6. This Declaration may be amended, modified or cancelled only with the approval of the City Planning Commission and the Board of Estimate or the agencies succeeding to their jurisdiction and no other approval or consent shall be required from any public body, private person, or legal entity of any kind.

7. Declarants covenant that, when the City Planning Commission and the Board of Estimate have approved CP-22865, they shall immediately file and record this Declaration in the Office of the Register of the City of New York, County of Kings, indexing it against the Subject Property. Declarants further covenant to provide the City Planning Commission with a copy of the Declaration as recorded, certified by the Register of the City of New York, County of Kings. The City of New York shall also have the right to record this Declaration. However, all costs of recordation and certification whether undertaken by the Declarant or by the City, shall be borne by the Declarants.

IN WITNESS WHEREOF, the Declarants have caused this Declaration to be signed this 7th day of March, 1975.

Donald J. Trump, President
Trump Village Construction Corp.

Anthony G. Duda
Regional Attorney
Franchise Realty Interstate
Corporation

No Seals affixed

REEL 777 PG 1653

STATE OF New York
COUNTY OF Kings } ss.:

On the 7 day of March , 1975, before me personally came DONALD J. TRUMP, to me known, who being by me duly sworn, did depose and say that he resides at 160 East 65th Street, New York, New York ; that he is the President of TRUMP VILLAGE CONSTRUCTION CORP., the corporation described in and which executed the above instrument; that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Rose Ann Ellis

ROSE ANN ELLIS
Notary Public, State of New York
No. 24-4675010
Qualified in Kings County
Commission Expires March 30, 1976

STATE OF New York
COUNTY OF New York } ss.:

On the 7th day of March , 1975, before me personally came ANTHONY G. DUDA, to me known, who being by me duly sworn, did depose and say that he resides at 6 Horizon Road, Fort Lee, New Jersey 07024 ; that he is the Regional Attorney of FRANCHISE REALTY INTERSTATE CORPORATION, the corporation described in and which executed the above instrument; that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Steven Adler

STEVEN ADLER
NOTARY PUBLIC, State of New York
No. 31-4620[illegible]
Qualified in New York County
Commission Expires March 30, 1975

EXHIBIT A

"AREA G"

All that certain lot, piece of parcel of land situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, and more particularly described as follows:

BEGINNING at a point on the southerly side of Neptune Avenue 120 feet wide, distant 140 feet easterly from the corner formed by the intersection of the southerly side of Neptune Avenue and the easterly side of West 8th Street; running thence easterly along the southerly side of Neptune Avenue 150.30 feet more or less to the corner formed by the intersection of the southerly side of Neptune Avenue and the westerly side of West 6th Street 120 feet wide; running thence southerly along the westerly side of West 6th Street 265.14 feet to the northerly side of Sheepshead Bay Road; and running thence easterly along the northerly side of Sheepshead Bay Road 150.31 feet to a point; and running thence northerly along a line parallel with West 6th Street 207 feet more or less to the southerly side of Neptune Avenue, thence westerly to the point or place of beginning.

REEL 777 PAGE 1655

1975 MAY -6 PM 3:25

DECLARATION

Property Located at Neptune Avenue and West 8th Street, Borough of Brooklyn, County of Kings, City and State of New York
Sectional
Block 7270
Lot 25

ORIGINAL

Rosenman Colin Kaye Petschek Freund & Emil

Attorneys for Trump Village Construction Corp.

575 Madison Avenue

Borough of Manhattan New York City

MUrray Hill 8-7800

Called

OFFICE OF CITY REGISTER
Kings County
RECORDED
Witness my hand
and official seal
Matthew L. Dwyer
CITY REGISTER

REEL 777 PAGE 1656

A-2

First Amended Declaration (1982)
BSA Cal. No. 98-82-BZ

LANGAN

REEL 1390 Pg. 1137

MODIFICATION OF DECLARATION

This Modification of Declaration, made this 28 day of Oct, 1982, by TRUMP VILLAGE CONSTRUCTION CORP., a New York corporation having offices at 26-11 West 2nd Street, Brooklyn, New York, and McDONALD'S CORPORATION, an Illinois corporation registered to do business in the State of New York and having offices at 1455 Broad Street, Bloomfield, New Jersey 07003, hereinafter called the "Declarants".

W I T N E S S E T H:

WHEREAS, the Declarant, TRUMP VILLAGE CONSTRUCTION CORP., is the fee owner and Declarant, McDONALD'S CORPORATION, is the lessee of certain real property in the Borough of Brooklyn, known as Tax Block 7270, Lot 25, City and State of New York, which real property hereinafter called the "Subject Property" is further described in Exhibit A attached hereto, and

WHEREAS, Declarants or their predecessors in interest, in connection with application designated CP22865 to the City Planning Commission for a rezoning of the Subject Property from R6 to C1-2, executed a Declaration ("Declaration") which was recorded on May 6, 1975 in the Office of the Register of the City of New York, Kings County, in Liber/Reel 777, Page 1650 and

WHEREAS, Declarants wish to modify the plan as previously submitted in order to permit the addition of a drive-thru facility at the Subject Property substantially in accordance with the site plan attached hereto as Exhibit B, which plan has been approved by the Board of Standards for a special permit for said drive-thru facility pursuant to Section 73-241 of the New York City Zoning Resolution, under Calendar Number 98-82 BZ, and

WHEREAS, Declarants represent and warrant that no restrictions of record on the use or development of the Subject Property nor any present or

presently existing future estate or interest in the Subject Property, nor any lien, obligation, covenant, limitation or encumbrance of any kind precludes, presently or potentially, the imposition of restrictions, obligations and agreements of the instant MODIFICATION OF DECLARATION or the development of the Subject Property in accordance therewith.

NOW, THEREFORE, Declarants, with the intent to bind all persons, jointly or severally, in whom the Subject Property or any part thereof is vested now or shall be vested at any time hereafter, and with the further intent to bind all persons, jointly or severally, having today or any time hereafter any other right or interest in the property, do hereby modify the Declaration as follows:

1. The site plan is hereby modified to permit the drive-thru facility substantially as shown on Exhibit B annexed hereto.

2. The following shall be added to Paragraph 6. of the Declaration:

> "However, the City Planning Commission may administratively approve what it deems to be minor modifications to this Modified Declaration which shall not be deemed amendments requiring the approval of the Board of Estimate. The Declarant shall notify the affected community board(s) of any such modification, amendment, or cancellation.

3. This Mofification of Declaration shall become effective when the Board of Estimate shall have duly approved this application designated

4. This Modification of Declaration runs with the land, binding Declarants, their successors and assigns.

5. Declarants covenant that immediately after approval of this Modification of Declaration by the Board of Estimate, they shall file and record this Moficiation of Declaration in the Office of the Register of the City of New York, Kings County, indexing it against the Subject Property. Declarants further covenant to provide the City Planning Commission with a

copy of this Modification of Declaration certified as recorded by the Register. The City of New York shall also have the right to record this Modification of Declaration. However, all cost of recordation and certification, whether undertaken by Declarants or by the City, shall be borne by Declarants.

b. The Declaration (CP22865) shall remain in full force and effect, except as herein modified.

IN WITNESS WHEREOF, the Declarants have caused this Moficiation of Declaration to be executed this 28 day of Oct, 1982.

TRUMP VILLAGE CONSTRUCTION CORP.

BY: Donald J. Trump

McDONALD'S CORPORATION

BY: Richard Christie
REG VP

STATE OF NEW YORK)
COUNTY OF Kings) SS.:

R.: 1390 1140

On the 28 day of Oct, 1982, before me personally came Fred C. Trump, to me known, who, being by me duly sworn, did depose and say that he resides at 85-14 Midland Parkway Jamaica N.Y.; that he is the President of TRUMP VILLAGE CONSTRUCTION CORP., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

[signature]

STATE OF ~~NEW YORK)~~ New Jersey
COUNTY OF Essex) SS.:

83

On the [illegible] day of October, 1982, before me personally came Richard J Christian, to me known, who, being by me duly sworn, did depose and say that he resides at [illegible] Cove Towers Secaucus N.J.; that he is the U.P./Reg Mgr of McDONALD'S CORPORATION, the corporation described in and which executed the foregoing instrument; ~~that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.~~

[signature]

TONI ANN CALLUCCI PEREIRA
NOTARY [illegible] NEW JERSEY
My Comm[illegible] Nov 17 1983

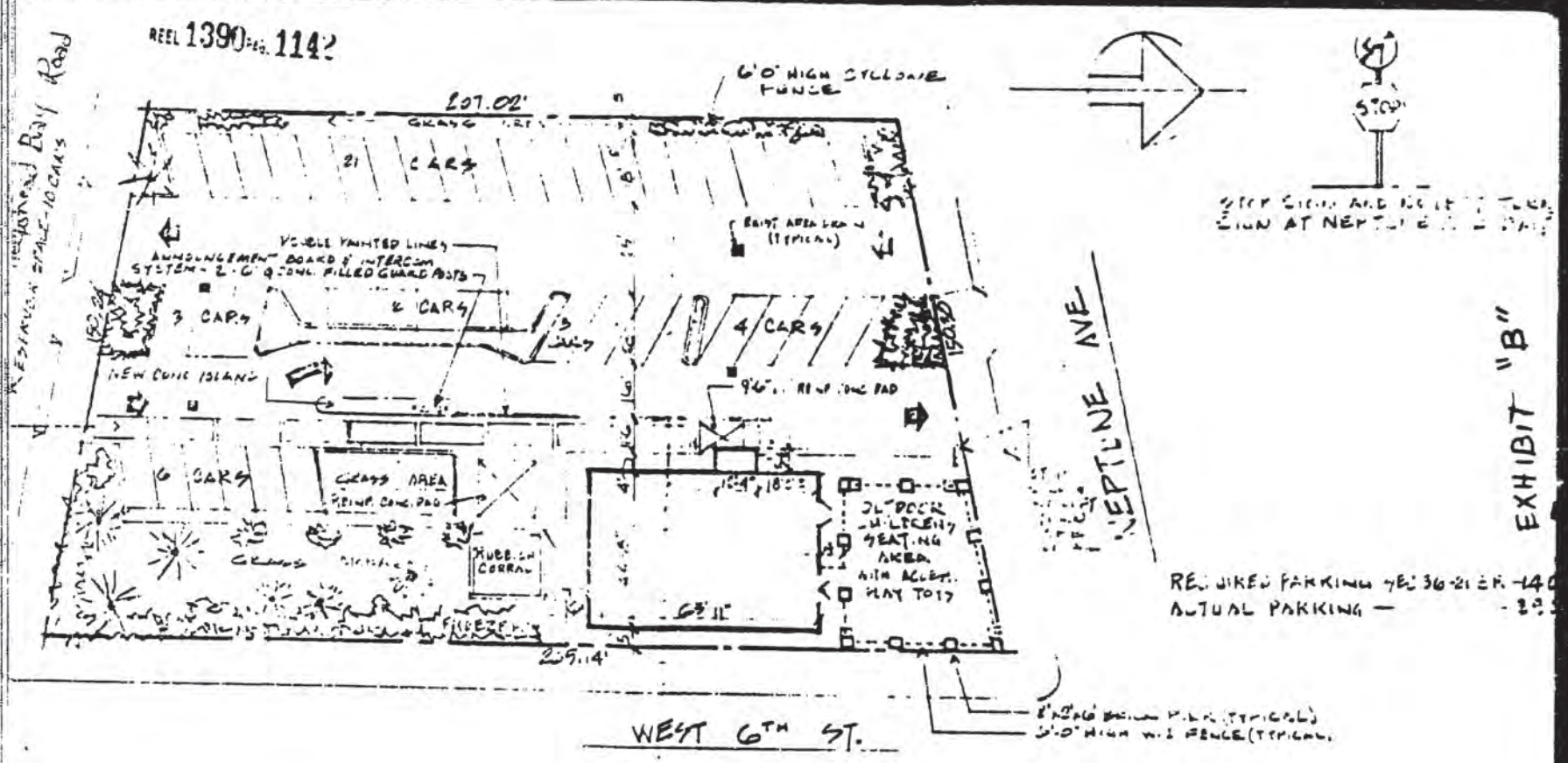
"AREA C"

All that certain lot, piece of parcel of land situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, and more particularly described as follows:

BEGINNING at a point on the southerly side of Neptune Avenue 120 feet wide, distant 140 feet easterly from the corner formed by the intersection of the southerly side of Neptune Avenue and the easterly side of West 8th Street; running thence easterly along the southerly side of Neptune Avenue 150.30 feet more or less to the corner formed by the intersection of the southerly side of Neptune Avenue and the westerly side of West 6th Street 120 feet wide; running thence southerly along the westerly side of West 6th Street 265.14 feet to the northerly side of Sheepshead Bay Road; and running thence easterly along the northerly side of Sheepshead Bay Road 150.31 feet to a point; and running thence northerly along a line parallel with West 6th Street 207 feet more or less to the southerly side of Neptune Avenue, thence westerly to the point or place of beginning.

EXHIBIT "A"

REEL 1390 PG. 1142



IV. PROPOSED CONDITIONS

OFFICE OF [illegible] 1390 1143
Kings County
RECORDED
Witness my hand
and official seal

George J. [illegible]

CITY REGISTER

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

A-3

Second Amended Declaration (1986)
BSA Cal. No. 98-82-BZ

LANGAN

SECOND AMENDED DECLARATION

This Second Amended Declaration, made this 3rd day of December, 1986, by TRUMP VILLAGE CONSTRUCTION CORP., a New York corporation having offices at 26-11 West 2nd Street, Brooklyn, New York, and McDONALD'S CORPORATION, an Illinois corporation registered to do business in the State of New York, and having offices at 1455 Broad Street, Bloomfield, New Jersey 07003, hereinafter called the "Declarants".

W I T N E S S E T H :

WHEREAS, the Declarant, TRUMP VILLAGE CONSTRUCTION CORP., is the fee owner and Declarant, McDONALD'S CORPORATION, is the lessee of certain real property in the Borough of Brooklyn, known as Tax Block 7270, Lot 25, City and State of New York, which real property hereinafter called the "Subject Property" is further described in Exhibit A attached hereto, and

WHEREAS, Declarants or their predecessors in interest, in connection with application designated CP22865 to the City Planning Commission for a rezoning of the Subject Property from R6 to C1-2, executed a Declaration ("Declaration") which was recorded on May 6, 1975 in the Office of the Register of the City of New York, Kings County, in Liber/Reel 777, Page 1650; and

WHEREAS, A Modification of Declaration dated October 28, 1982 was duly filed with the Register's Office of Kings County, City and State of New York, in Reel 902, Page 1486, restricting the manner in which the Subject Property can be developed (hereinafter referred to as the "First Amended Declaration"); and

WHEREAS, Declarants wish to modify the site plan as previously approved in the First Amended Declaration in order to permit the rearrangement of the drive-thru facility on the Subject Property substantially in accordance with the site plan attached hereto as Exhibit B, which plan has been approved on March 18, 1986, by the Board of Standards and Appeals, as an amendment to a special permit for said drive-thru facility pursuant to Section 73-243 of the New York City Zoning Resolution under Calendar Number 98-82 BZ; and

WHEREAS, Declarants represent and warrant that no restrictions of record on the use or development of the Subject Property nor any present or presently existing future estate or interest in the Subject Property, nor any lien, obligation, covenant, limitation or encumbrance of any kind precludes, presently or potentially, the imposition of restrictions, obligations and agreements of the instant SECOND AMENDED DECLARATION or the development of the Subject Property in accordance therewith; and

WHEREAS, American Title Insurance Company has certified that, as of Declarant, McDONALD'S CORPORATION and TRUMP VILLAGE CONSTRUCTION CORP., are the sole parties in interest (as defined in Section 12-10 of the Zoning Resolution, "Zoning Lot") to the Subject Property in connection with this SECOND AMENDED DECLARATION (which certification is annexed hereto as Exhibit "C");

NOW, THEREFORE, Declarant intends and acknowledges that the restrictions, covenants, conditions and obligations of this First Amended Declaration will protect the value and the desirability of the Subject Property as well as benefit all land, including land owned by the City of New York, lying within a one half mile radius of the Subject Property and which shall run with the Subject Property binding every party having any right, title or interest in the Subject Property or any part thereof and binding all heirs, successors and assigns:

(1) The site plan is hereby modified to permit the drive-thru facility substantially as shown on Exhibit B annexed hereto.

(2) The Declaration (CP22865) dated March 7,1975 and the First Amended Declaration, dated Oct. 28, 1982 shall remain in full force and effect, except as herein modified.

(3) This Second Amended Declaration may be modified or cancelled only with the approval of the City Planning Commission or the agency succeeding its jurisdiction and no other approval or consent shall be required from any other public body, private person or legal entity of any kind except parties in interest to the subject property. A statement signed by the Chairman of the

Commission certifying the Commission's approval of any modification or amendment of this Seconded Amended Declaration shall be annexed to any instrument embodying such modification or amendment of this Second Amended Declaration. After approval by the Commission the Declarant covenants to supply a copy of and to duly record any such instrument in the manner described in paragraph 6 hereof.

(4) Declarant covenants to include a copy of this Second Amended Declaration as part of any application pertinent to the Subject Property submitted to the New York City Department of Buildings or any agency succeeding to its jurisdiction.

(5) Declarant covenants that when the City Planning Commission shall have approved this Minor Modification of C800997 ZMM, it shall immediately file and record this Second Amended Declaration in the Office of the Register of the City of New York, County of New York, indexing them against the entire Subject Property. Declarant further covenants to provide the City Planning Commission with a duplicate original of this Second Amended Declaration on the date of its approval and a copy of this Seconded Amended Declaration as recorded, certified by the Register of New York County. The City of New York shall also have the right to record this Second Amended Declaration. All costs of recordation and certification, however, whether undertaken by the Declarant or by the City, shall be borne by the Declarant.

IN WITNESS WHEREOF, the Declarants have caused this Second Amended Declaration to be executed this 3rd day of December, 1986.

TRUMP VILLAGE CONSTRUCTION CORP.

By: _____
PRESIDENT

McDONALD'S CORPORATION

By: X _____
ASST. VICE PRESIDENT

STATE OF NEW YORK)
COUNTY OF Kings) ss.:

On the 3rd day of December, 1986, before me personally came Fred C Trump, to me known, who, being by me duly sworn, did depose and say that he resides at 85-14 Midland Parkway, Jamaica, N.Y. that he is the PRESIDENT of TRUMP VILLAGE CONSTRUCTION CORP., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Henry Fink
Notary Public

HENRY FINK
Notary Public, State of New York
No. 24-4604366
Qualified in Kings County
Commission Expires March 30, 19 87

STATE OF ~~NEW YORK~~ New Jersey)
COUNTY OF Essex) ss.:

On the 6 day of November, 1986, before me personally came Paul Facella, to me known, who, being by me duly sworn, did depose and say that he resides at 1455 Blond St Bloomfield NJ, that he is the Asst. Vice Pres. of McDONALD'S CORPORATION, the corporation described in and which executed the foregoing instrument, and that he signed his name thereto.

Debra L Robertella
Notary Public

Debra L. Robertella
Notary Public, State of New Jersey
My Commission Expires Dec. 28, 1988

Title No. 04-50819

SCHEDULE "A"

ALL that certain lot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Neptune Avenue, 120 feet wide, distant 140 feet easterly from the corner formed by the intersection of the southerly side of Neptune Avenue and the easterly side of West 8th Street; running thence

EASTERLY along the southerly side of Neptune Avenue, 150.30 feet, more or less, to the corner formed by the intersection of the southerly side of Neptune Avenue and the westerly side of West 6th Street, 120 feet wide; running thence

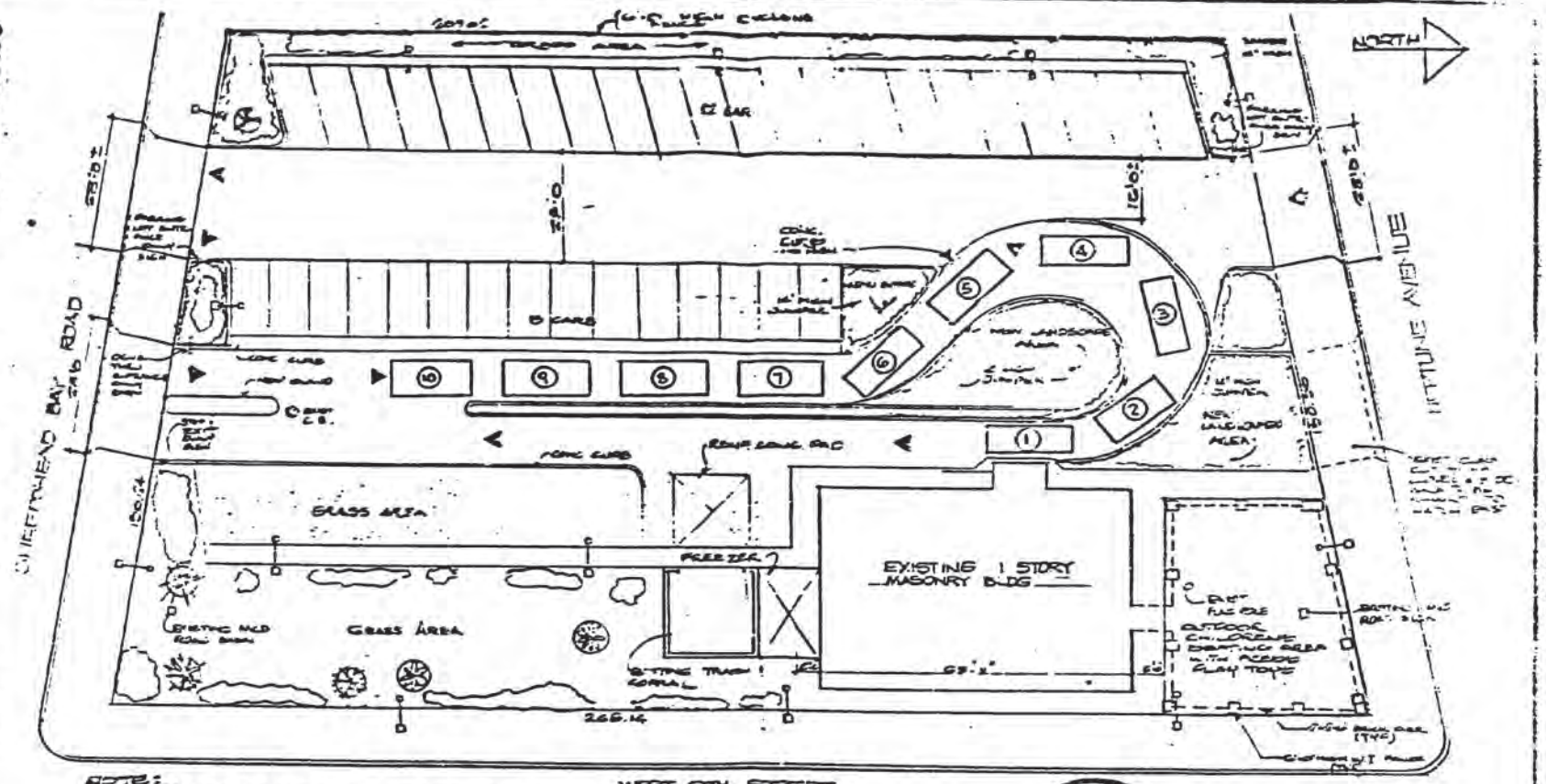
SOUTHERLY along the westerly side of West 6th Street, 265.14 feet to the northerly side of Sheepshead Bay Road; and running thence

WESTERLY along the northerly side of Sheepshead Bay Road, 150.31 feet to a point; and thence

NORTHERLY along a line parallel with West 6th Street, 207 feet, more or less to the southerly side of Neptune Avenue, the point or place of BEGINNING.

EXHIBIT "A"

REEL 2005 PAGE 1466



NOTE:
ALL EXTERIOR LIGHTING SHALL BE DIRECTED AWAY FROM CHURCH PREMISES

PROPOSED SITE REVISIONS
1"-20'-0"

- REQUIRED PARKING - SECT. 36-21 ER-14 CARS
- ACTUAL PARKING — 37 CARS

5 MARCH 1986
26 FEBRUARY 1986
3 FEBRUARY 1986
10 JANUARY 1986

98-82 ET
606 NEPTUNE AVE

NORMAN L REIFFMAN
600 HEMPSTEAD TPKE
W. HEMPSTEAD NY 11552

SHEET 2 OF 2

American Title Insurance Company

Meridian Company

November 14, 1986

McGee & Morsellino, Esq.
1615 Northern Blvd.
Manhasset, New York 11030

Attn: Joesph Morsellino, Esq.

RE: Title No. 04-50819
Premises: Sheepshead Bay Road, also
known as Neptune Avenue, Brooklyn, NY
Block 7270 Lot 25

Certification of Parties in Interest

American Title Insurance Company has made a search of the records of Kings County for the premises described in Schedule "A" attached hereto, and find that the following parties have the following interests:

Party	Interest
(1) Trump Village Constrction Corp.	Fee Owner
(2) McDonald's Corporation	Unrecorded ground lease

The maximum liability of this Company with regard to this search is limited to $1,000.00.

American Title Insurance Company

Maria E. Fernandez
National Accounts Coordinator

MEF:mf
enc.

cc: McDonald's Corporation
Debby Robertella

American Title Insurance Company
Frank Podolski

[illegible] Third Avenue
[illegible] York, NY
[illegible]

"C"

Title No. 04-30819

SCHEDULE "A"

ALL that certain lot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Neptune Avenue, 120 feet wide, distant 140 feet easterly from the corner formed by the intersection of the southerly side of Neptune Avenue and the easterly side of West 8th Street; running thence

EASTERLY along the southerly side of Neptune Avenue, 150.30 feet, more or less, to the corner formed by the intersection of the southerly side of Neptune Avenue and the westerly side of West 6th Street, 120 feet wide; running thence

SOUTHERLY along the westerly side of West 6th Street, 265.14 feet to the northerly side of Sheepshead Bay Road; and running thence

WESTERLY along the northerly side of Sheepshead Bay Road, 150.31 feet to a point; and thence

NORTHERLY along a line parallel with West 6th Street, 207 feet, more or less to the southerly side of Neptune Avenue, the point or place of BEGINNING.

"C"

REEL 2005 PAGE 1469

SECOND AMENDED DECLARATION

606 NEPTUNE AVENUE
BROOKLYN, NEW YORK

TAX BLOCK: 7270

LOT: 25

KINGS COUNTY

LOC. VER. BY ADDRESS

19.-

B19-

CAC-CT54

COOKE ABSTRACT CORP.

R+R

McGEE & MORSELLINO, ESQS.
1615 Northern Boulevard
Manhasset, NewYork 11030
(718) 470-1330 (516) 627-7700

04-13-87 3-02 D-CONV 184219
PAID D-CONV $19.00

OFFICE OF CITY REGISTER
Kings County
RECORDED
Witness my hand
and official seal

CITY REGISTER

A-4

BSA Cal. No. 403-01-BZ (2002)
Decision and BSA-Approved Site Plan (Existing and Proposed)

LANGAN

403-01-BZ
CEQR#02-BSA-101K
APPLICANT - Sullivan, Chester & Gardner LLP, for Trump Construction Co., owner; Yandoli Foods Corp., lessee.
SUBJECT - Application December 26, 2001 - under Z.R. §73-243, to permit, in a C7 zoning district, the reestablishment of an expired special permit previously granted under Calendar Number 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 36.
PREMISES AFFECTED - 606 Neptune Avenue, southwest corner of 6th Street, Block 7270, Lot 25, Borough of Brooklyn.
COMMUNITY BOARD #13BK
APPEARANCES -
For Applicant: Jeffrey Chester.
For Administration: John Scrofani, Fire Department.
ACTION OF THE BOARD - Application granted on condition.
THE VOTE TO GRANT -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:
.....0
THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 28, 2001, acting on Alt. Applic. No. 301172503 reads:

"Drive through window in a C1-2 Zoning District is contrary to ZR 32-31. The Drive- through facility for this location has been previously approved by the Board of Standards and Appeals. Cal. No 98-82-BZ) and has expired. Refer this application to the Board for an extension of term."; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in the City Record, laid over to May 21, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A. and Commissioner Mitchell Korbey; and

WHEREAS, this is an application for a special permit under Z.R.§§73-243 and 73-03, to permit, in a C7 zoning district, the reestablishment of an expired special permit previously granted under Calendar Number 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 36; and

WHEREAS, the subject lot contains approximately 35,000 square feet with 150' of frontage along Neptune Avenue, improved with a restaurant with an accessory drive-thru facility; and

WHEREAS, the existing restaurant's floor area is approximately 3,714 square feet and provides 29 accessory parking spaces; and

WHEREAS, the record indicates that the surrounding area contains a mixture of commercial, residential and community facility uses and that Neptune Avenue is a heavily trafficked thoroughfare; and

WHEREAS, the applicant represents that on Neptune Avenue, directly to the east across West 6th Street, is a large multi-tenanted shopping center with an accessory parking lot; and

WHEREAS, on July 13, 1982, under Calendar Number 98-82-BZ, the Board granted a Special Permit for a term of five (5) years, on condition that speed bumps, warning signs and stop signs be installed; and

WHEREAS, the application was amended in 1987, 1994 with the last of the five year terms expiring July 13, 1997; and

WHEREAS, the applicant represents that the current owner was not aware that the property was subject to Board renewal; and

WHEREAS, the record indicates that the drive through lane will accommodate up to 10 automobiles, that the proposed exit on West 6th Street will have a negligible impact on traffic, that 36 accessory parking spaces are being provided, that Neptune Avenue is a significant commercial thoroughfare and that the majority of the existing frontages within 500' are commercial in nature, that the drive through has existed for 18 years and has not caused an undue adverse impact on residences within the immediate vicinity, and that because there are no adjacent residential uses, there is an adequate buffer between the drive-through facility and adjacent residential uses; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-243 and 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Section Z.R.§§73-243 and 73-03, to permit, in a C7 zoning district, the reestablishment of an expired special permit previously granted under Calendar Number 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 36, on condition that all work shall substantially conform to drawings as they apply to the

objection above-noted, filed with this application marked "Received April 16, 2002"-(6)sheets; and on further condition;

THAT this special permit shall be limited to a term of five years from the date of this grant expiring May 21, 2007;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

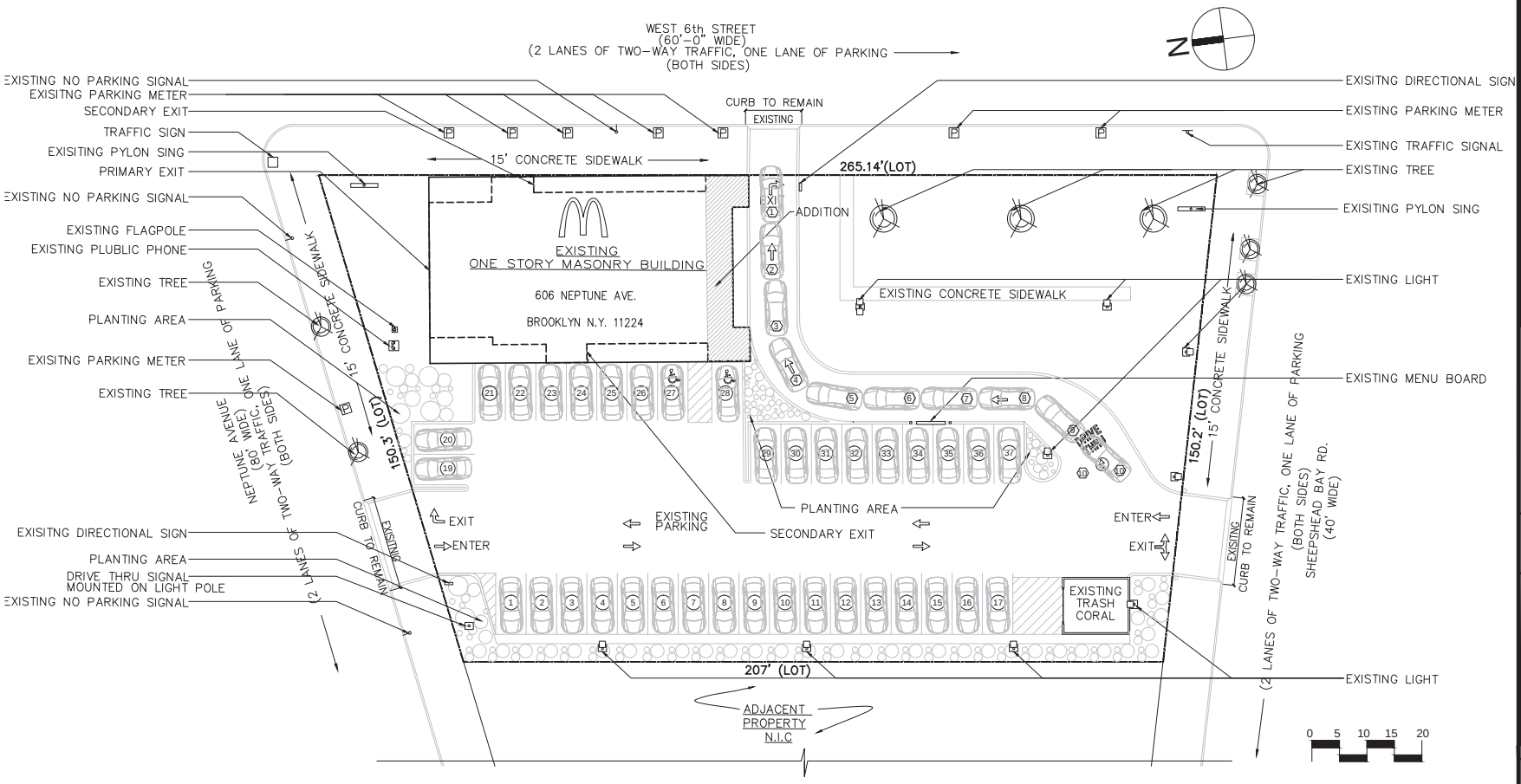
THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted

Adopted by the Board of Standards and Appeals, May 21, 2002.

SITE PLAN:

SCALE: 1/32" = 1'-0"



Note: The Site Plan approved by BSA in 2002 reflects existing and proposed conditions

new york design ARCHITECTS, LLP

GIUSEPPE R. ANZALONE, A.I.A.
JOSEPH J. SMERINA, A.I.A.
175 West Broadway New York, NY 10013
tel: (212) 680-0140 fax: (212) 658-9548
www.newyorkdesign.com

ISSUE DATE: #	REVISION	DATE
R.0	B.S.A. SUBMITTAL	00.00.2013

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Any discrepancies with field dimensions and dimensions indicated on approved drawings shall be made aware to the architect/engineer of record, prior to commencement of work. Commencement of work indicates acceptance of all components indicated on approved drawings.
This document is protected under title 17 US code, any alterations by any persons other than the author of such document is illegal and subject to prosecution.

CLIENT:
McDonald's
McDonald's USA, LLC

SEAL & SIGNATURE:

DRAWING:
ENLARGED SITE PLAN

ADDRESS: 606 NEPTUNE AVENUE
BROOKLYN N.Y. 11224

PROJECT #:	BLOCK#	LOT#
12207	7270	25

PARTNER IN CHARGE:	PROJECT MANAGER:	DRAWN BY:
GA	DG	FM

PAGE #:	DOB PAGE#:
BSA-002.00	2 of 6

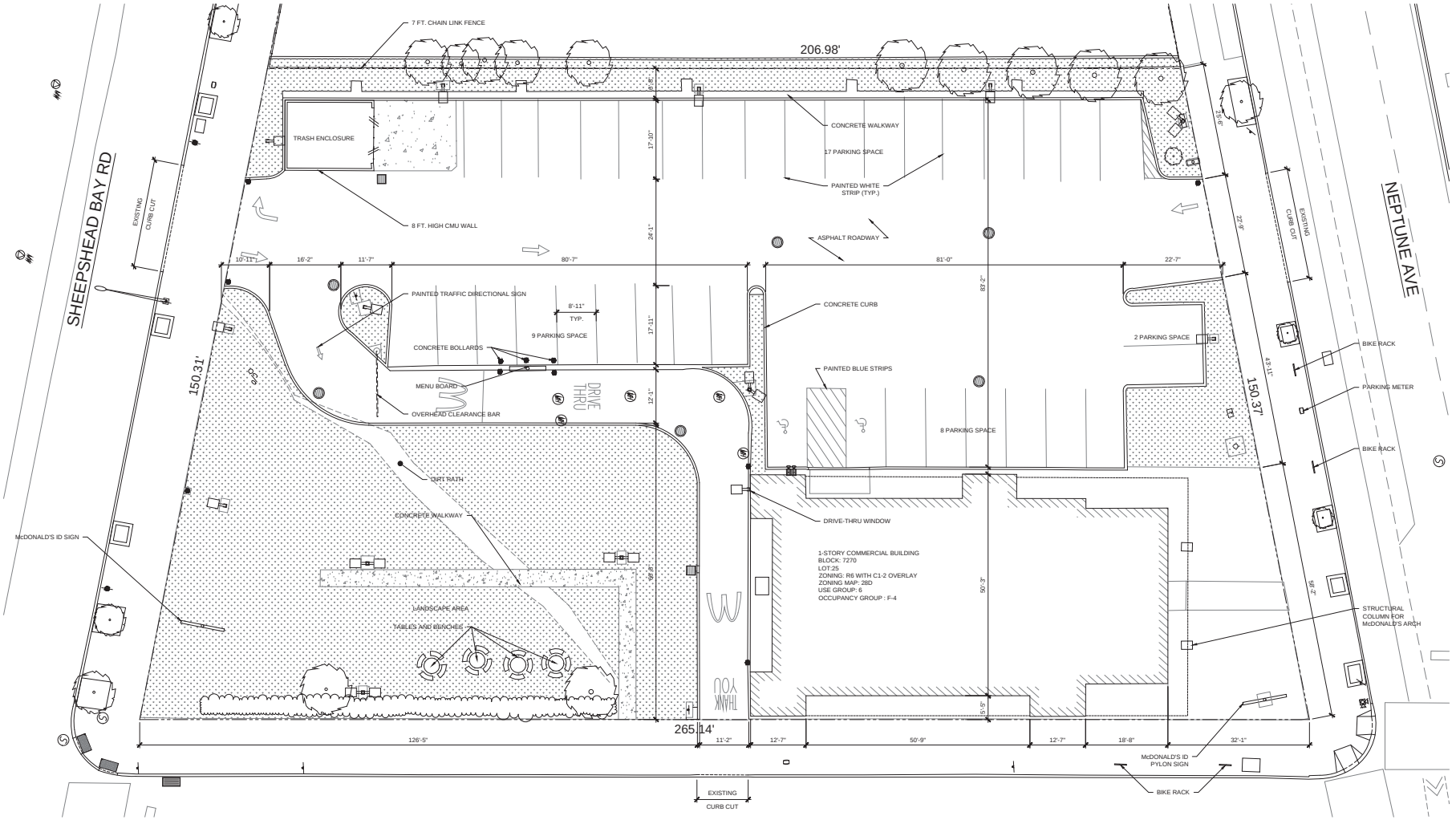
B

With-Action Condition Plans
Prepared by SWA Architecture

LANGAN

LEGEND

- ON-SITE LIGHT POLE
- STREET LIGHT POLE
- TRAFFIC SIGN
- FIRE HYDRANT
- WATER VALVE
- GAS VALVE
- ELECTRICAL MAN HOLE
- TREE



1 SITE PLAN
SCALE: 3/32" = 1'-0"

swa architecture

11 PARK PLACE SUITE 816
NEW YORK, NY 10007
PHONE: 212-932-7566

190 EAST MAIN STREET
HUNTINGTON, NY 11743
PHONE: 631-424-8480 FAX: 631-547-4193

PROJECT

McDONALD'S
ALT-1

606 NEPTUNE AVE
BROOKLYN, NY, 11224

MEP ENGINEER
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:
E-MAIL:

STRUCTURAL ENGINEER
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:

SPECIAL INSPECTOR:
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:
E-MAIL:

REVISIONS:

DOB B-SCAN
JOB # 301303122

DRAWING TITLE / INFORMATION:

PROPOSED
SITE PLAN

SEAL & SIGNATURE:

DATE: 2019-05-22
DWG No.:

A-050.00

SHEET 08 OF 05

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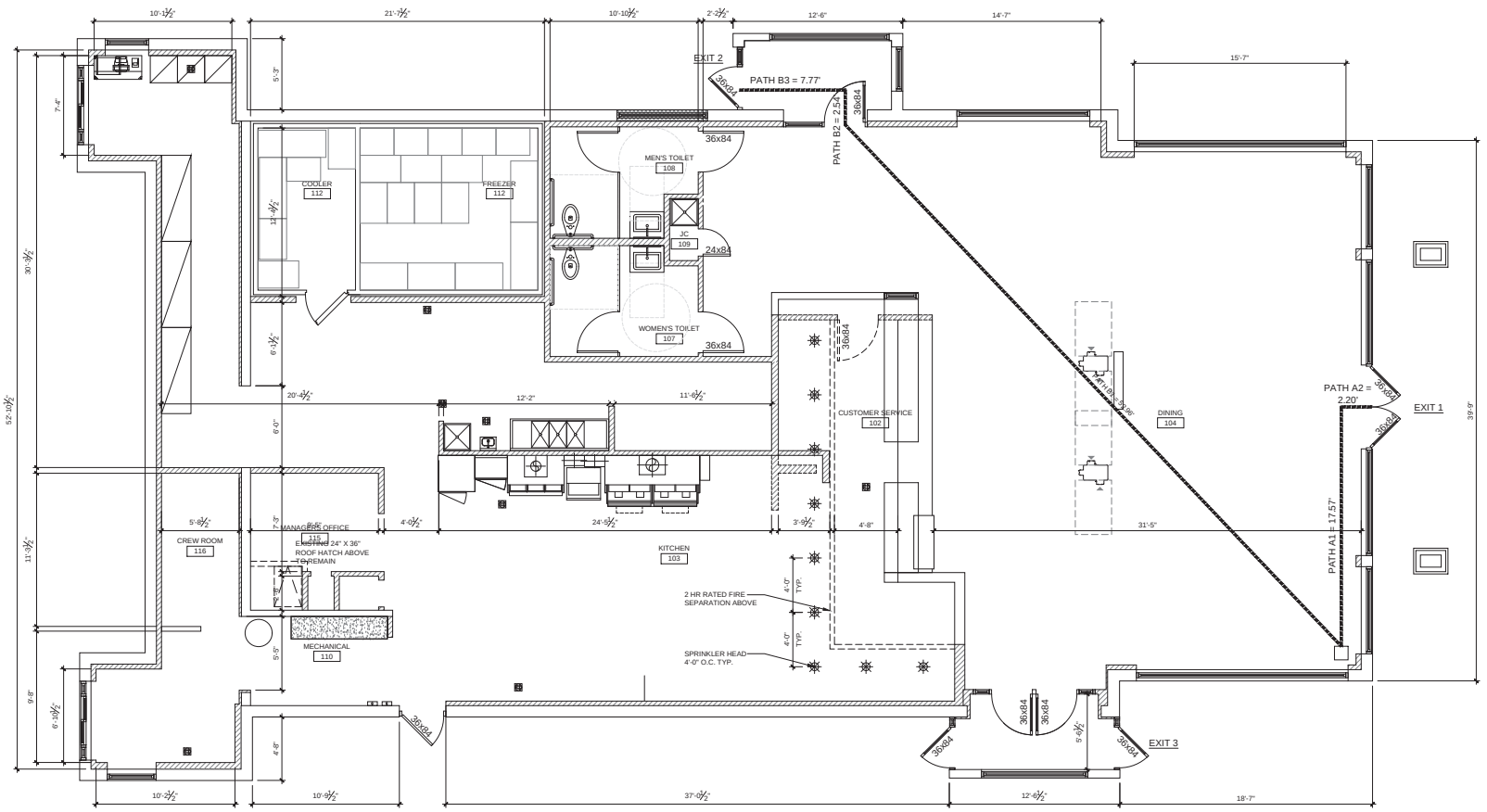
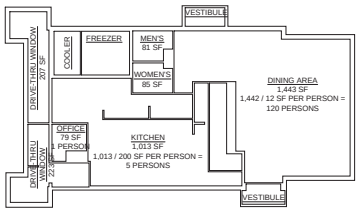


1 A110 FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"



1 A110 OCCUPANCY DIAGRAM
SCALE: 1/4"=1'-0"

EXIT DOORS (TABLE 8-1)

EXIT #	DOOR WIDTH	ALLOWABLE UNIT WIDTHS	CAPACITY PER UNIT WIDTH	ALLOWABLE CAPACITY	TOTAL CAPACITY
EXIT 1	72"	3 UNITS @ 22"	50 PERSONS	150 PERSONS	
EXIT 2	36"	1.5 UNITS @ 22"		75 PERSONS	
EXIT 3	36"	1.5 UNITS @ 22"		75 PERSONS	
TOTAL		6.0 UNIT WIDTH		175 PERSONS	126 PERSONS (O.K.)

RESTROOM REQUIREMENT (TABLE 403.1)

	WATER CLOSETS		LAVATORIES	
GENDER	MALE	FEMALE	MALE	FEMALE
REQ'	1 PER 75 PERSONS	1 PER 75 PERSONS	1 PER 200 PERSONS	1 PER 150 PERSONS
PROVIDED	1 TOILET	1 TOILET	1 LAV.	1 LAV.

EGRESS CALCULATION (TABLE 8-1) NON-SPRINKLER

	PATH	LEG 1	LEG 2	LEG 3	LEG 4	LEG 5	TOTAL
REMOTE POINT 1	PATH A	17.57'	2.20'				19.77' < 85' (O.K.)
	PATH B	52.96'	2.54'	7.77'			63.27' < 125' (O.K.)

SWA architecture

11 PARK PLACE SUITE 816
NEW YORK, NY 10007
PHONE: 212-932-7566

190 EAST MAIN STREET
HUNTINGTON, NY 11743
PHONE: 631-424-8480 FAX: 631-547-4193

PROJECT

McDONALD'S
ALT-1

606 NEPTUNE AVE
BROOKLYN, NY, 11224

MEP ENGINEER
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:
E-MAIL:

STRUCTURAL ENGINEER
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:

SPECIAL INSPECTOR:
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:
E-MAIL:

REVISIONS:
1 2019-10-22 SUPERSEDING DRAWINGS

DOB B-SCAN
JOB # 301303122

DRAWING TITLE / INFORMATION:

FLOOR PLAN

SEAL & SIGNATURE:

REGISTERED ARCHITECT STATE OF NEW YORK

DATE: 2019-10-22
DWG No.:

A-110.00

SHEET 04 OF 05

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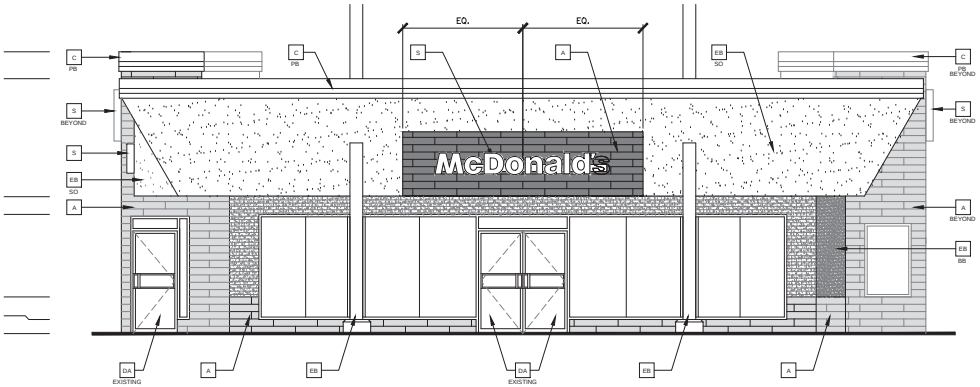
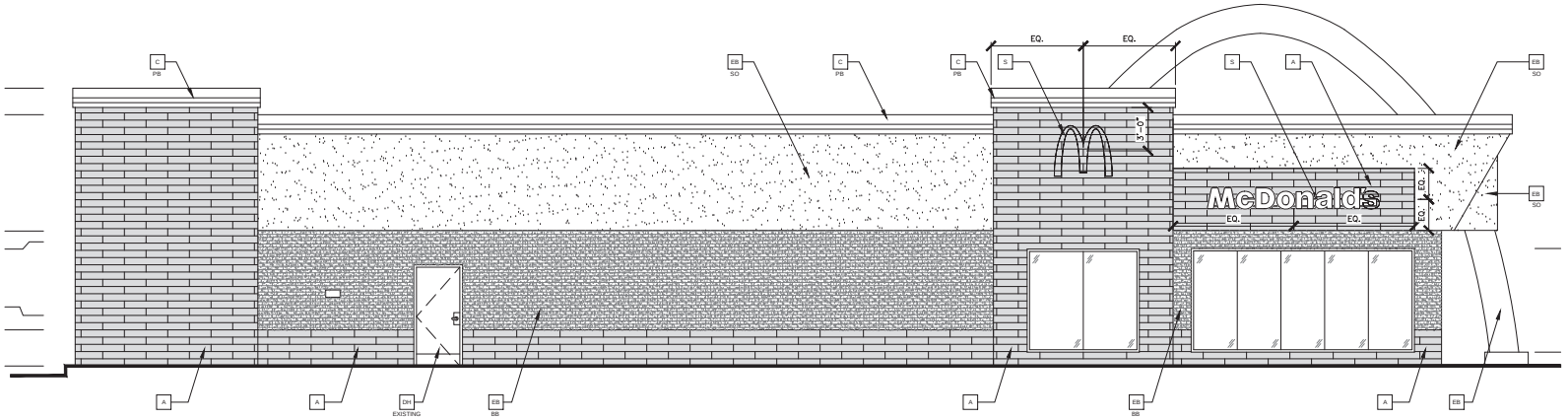


1 A200 NORTH ELEVATION
SCALE: 1/4"=1'-0"



2 A200 WEST ELEVATION
SCALE: 1/4"=1'-0"

swa architecture

11 PARK PLACE SUITE 816
NEW YORK, NY 10007
PHONE: 212-932-7566

190 EAST MAIN STREET
HUNTINGTON, NY 11743
PHONE: 631-424-8480 FAX: 631-547-4193

PROJECT

McDONALD'S
ALT-1

606 NEPTUNE AVE
BROOKLYN, NY, 11224

MEP ENGINEER
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:
E-MAIL:

STRUCTURAL ENGINEER
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:

SPECIAL INSPECTOR:
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:
E-MAIL:

REVISIONS:
1 2019-10-22 SUPERSEDING DRAWINGS

DOB B-SCAN
JOB # 301303122

DRAWING TITLE / INFORMATION:

FLOOR PLAN

SEAL & SIGNATURE:

REGISTERED ARCHITECT
STATE OF NEW YORK

DATE: 2019-10-22
DWG No.:

A-200.00

SHEET 04 OF 05

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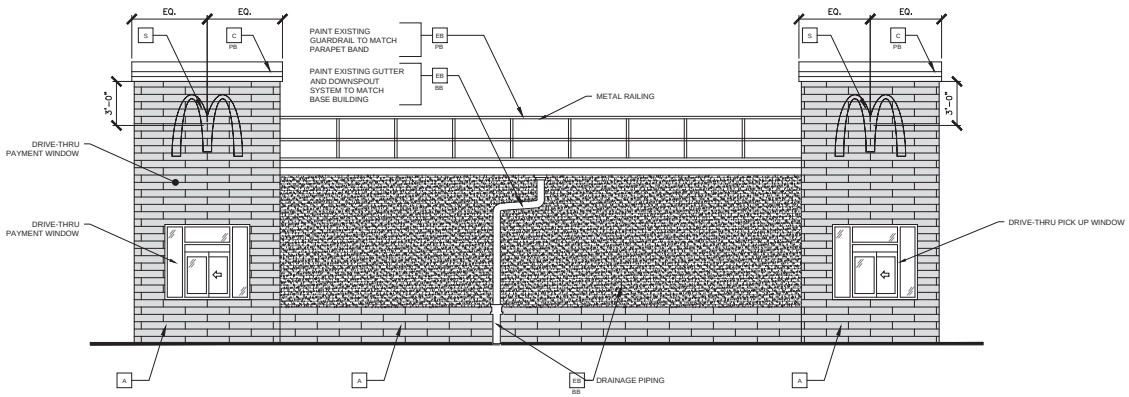
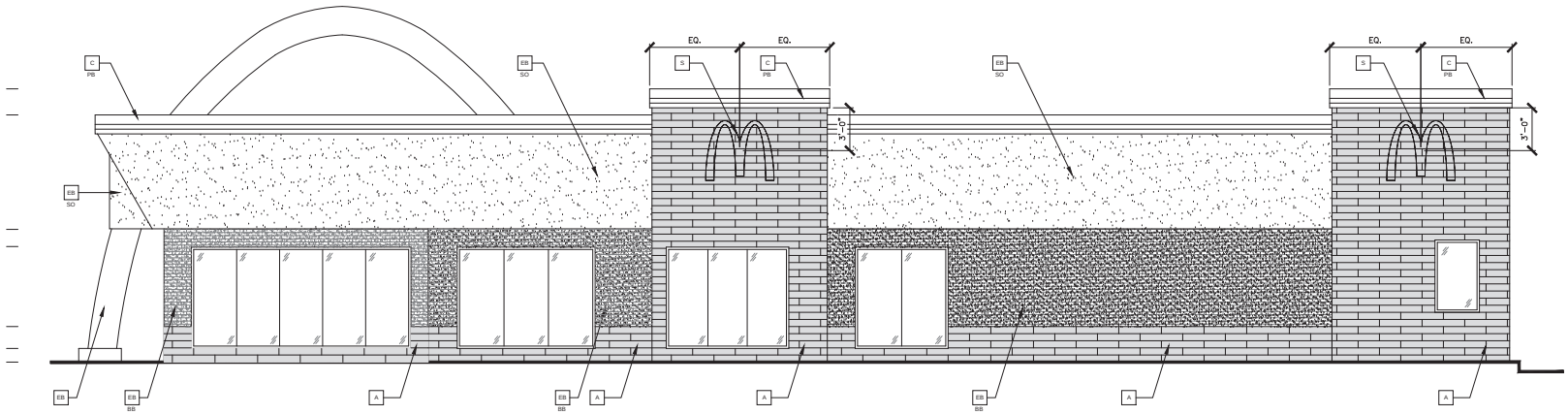


1 A201 SOUTH ELEVATION
SCALE: 1/4"=1'-0"



2 A201 EAST ELEVATION
SCALE: 1/4"=1'-0"

swa architecture
11 PARK PLACE SUITE 816
NEW YORK, NY 10007
PHONE: 212-932-7566
190 EAST MAIN STREET
HUNTINGTON, NY 11743
PHONE: 631-424-8480 FAX: 631-547-4193

PROJECT

McDONALD'S
ALT-1

606 NEPTUNE AVE
BROOKLYN, NY, 11224

MEP ENGINEER
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:
E-MAIL:

STRUCTURAL ENGINEER
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:

SPECIAL INSPECTOR:
NAME:
ADDRESS:
CITY:
STATE:
ZIP:
TEL:
E-MAIL:

REVISIONS:

DOB B-SCAN
JOB # 301303122

DRAWING TITLE / INFORMATION:

ROOF PLAN

SEAL & SIGNATURE:

REGISTERED ARCHITECT STATE OF NEW YORK

DATE: 2019-10-22
DWG No.:

A-201.00

SHEET 04 OF 05

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C

Agency Correspondence

LANGAN

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: LA-CEQR-K (DEPARTMENT OF CITY PLANNING)
Project: 606 NEPTUNE AVENUE
Address: 607 SHEEPSHEAD BAY ROAD BBL: 3072700025
Date Received: 2/20/2020

[X] No architectural significance

[X] No archaeological significance

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

Gina Santucci 2/24/2020

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 34808_FSO_DNP_02242020.docx

D

WRP
Consistency Assessment Form

LANGAN

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

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

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

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

A. APPLICANT INFORMATION

Name of Applicant: James Russ, Jr. (McDonald's Corporation)

Name of Applicant Representative: Max Stember-Young

Address: 360 West 31st Street, 8th Floor, New York, NY 10001

Telephone: 212-479-5400 Email: rmstemberyoung@langan.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 Proposed Project would not involve any new development. Instead, the Proposed Project would bring into conformance an existing drive-through facility accessory to a McDonald's so that it complies with the uses permitted by underlying zoning. The Proposed Action would replace a C1-2 commercial overlay district - mapped between Neptune Avenue and Sheepshead Bay Road to a depth of 150 feet to the west of West 6th Street - with a C2-4 commercial overlay district. A minor modification is also needed to the effective restrictive declaration to match the site layout.

2. Purpose of activity

The Proposed Project would legalize an existing accessory drive-through facility at the Project Site. Accessory drive-through facilities are not permitted as-of-right in C1-2 districts and are only permitted in these districts outside of special purpose districts with a BSA special permit pursuant to ZR 73-243. The Proposed Project is within the Special Ocean Parkway District, and the BSA special permit pursuant to ZR 73-243 is not available in most special districts, including the Special Ocean Parkway District. The accessory drive-through facility is required for the economic feasibility of the eating and drinking establishment, and approval of the Proposed Project would allow the existing drive-through facility to remain as existing conditions. A minor modification is needed to the Effective Declaration to tie the site plan in the declaration to the plan approved by BSA in 2002 (and existing conditions).

C. PROJECT LOCATION

Borough: Brooklyn Tax Block/Lot(s): Block 7270, Lot 25

Street Address: 606 Neptune Avenue Brooklyn, NY 11224

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

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

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

Board of Standards and Appeals ☐ Yes ☑ No

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

Other City Approvals

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

State Actions/Approvals/Funding

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

Federal Actions/Approvals/Funding

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

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

E. LOCATION QUESTIONS

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

   ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)

   ☐ Special Natural Waterfront Area (SNWA) (*4.1*)

   ☐ Priority Maritime Activity Zone (PMAZ) (*3.5*)

   ☐ Recognized Ecological Complex (REC) (*4.4*)

   ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

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

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

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

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

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

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

G. CERTIFICATION

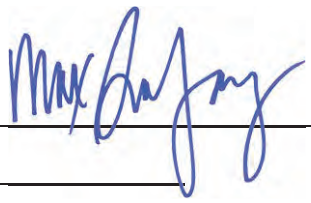
The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification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

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

Applicant/Agent's Name: Max Stember-Young

Address: 360 West 31st Street, 8th Floor, New York, NY 10001

Telephone: 212-479-5400 Email: mstemberyoung@langan.com

Applicant/Agent's Signature: 

Date: 1/8/20

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

WRP ASSESSMENT

The Project Site comprises Lot 25 of Block 7270 in the Coney Island neighborhood of Brooklyn. The Project Site is within the City's Coastal Zone; accordingly, the Proposed Project is subject to review for consistency with the policies of the New York City Waterfront Revitalization Program (WRP). The WRP outlines policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront while minimizing the conflicts among those objectives.

The WRP Consistency Form lists the WRP policies and indicates in a checklist format whether the Proposed Actions would promote or hinder a policy of the WRP, or if a policy would not be applicable. This section provides additional information for the policies that have been checked "promote" or "hinder" in the WRP Consistency Assessment Form.

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

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

The Proposed Actions would not facilitate new development or redevelopment. Instead, the Proposed Project would bring into compliance an existing drive-through facility accessory to a McDonald's so that it complies with the uses permitted in the proposed zoning. The Proposed Actions would allow the McDonald's to continue to operate as existing conditions and serve the surrounding community and customers through its dining space and drive-through facility. Over the No-Action Condition, the Proposed Actions would allow an accessory drive-through necessary for the business needs of the McDonald's. Being in a mature urban area along a wide street and across Neptune Avenue from the subway station, the Project Site is in an area of the Coastal Zone that is appropriate for commercial uses.

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

The Project Area is served by multiple modes of public transportation and streets. There are four MTA New York City Transit (NYCT) subway and five bus lines within 0.5 miles of the Project Site. No new development or redevelopment would result from approval of the Proposed Actions, rather the existing drive-through facility would be brought into compliance with the uses permitted as-of-right in the proposed zoning (proposed C2-4 commercial overlay). The Project Site (McDonald's) would continue to use existing connections to water and sewer lines within the surrounding streets and would continue to direct sanitary flows to the Coney Island Wastewater Treatment Plant (WWTP) via existing connections.