



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

March 26, 2007

NEGATIVE DECLARATION

Project Identification

CEQR No. 05DCP078K
ULURP No. 050317 ZMK
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Coney Island Avenue Rezoning (Sahara Restuarant)

The applicant, 2341 Realty, LLC., seeks an amendment to the zoning map to rezone R5, R5/C1-3 and R5/C2-3 zoning districts to an R6A/C1-3 and R6A/C2-3 zoning districts on portions of blocks 7315 and 7343 on the east side of Coney Island Avenue between Avenue T and Avenue U in the Sheepshead Bay neighborhood in Brooklyn, Community District 15. The proposed zoning would allow the restaurant and catering facility to become a legally conforming use. In addition, the proposed rezoning could result in additional development on seven development sites not controlled by the applicant.

The Sahara Restaurant is located at 2337 Coney Island Avenue (Block 7315, Lots 71-75). The proposed rezoning would allow the applicant to extinguish a BSA variance (Cal. 258-90 BZ) and would bring the restaurant and catering establishments into conformance with the proposed zoning. The variance allowed for the conversion of the second floor of the building on lots 73 and 74 from residential uses to a catering facility (UG9).

The proposed rezoning would also facilitate a proposal by the applicant to expand the Sahara Restaurant on the ground floor. The proposed rezoning would increase the available Floor Area Ratio (FAR) from 1.0 to 2.0 for commercial uses which would permit the applicant to expand the Sahara Restaurant 2,500 square feet on the ground floor, and expand the catering facility 2,500 square feet into the second floor of an existing vacant building shell. The proposed rezoning would increase the available residential FAR from 1.25 to 3.0, which would permit the development of residential units on the second floor of the Sahara Restaurant, however, the development of residential units is not part of the current rezoning proposal.



As a result of the proposed rezoning, additional sites not controlled by the applicant could be redeveloped with a higher density residential development. For the purposes of the analysis in the EAS, 7 development sites, including 4 projected and 3 potential sites, were identified as part of the Reasonable Worst Case Development Scenario (RWCDs) for the proposed rezoning. In the future, absent the proposed rezoning, the affected area could be redeveloped under the existing R5 and R5/C2-3 zoning districts (at 1.25 FAR for residential use and 1.0 FAR for commercial use) with approximately 6,500 sq. ft. of commercial use, and approximately 25 parking spaces. Absent the proposed rezoning, the amount of commercial space would be reduced from the existing 28,980 sq. ft. to 6,500 square feet, since only two out of the five projected development sites are located within the R5/C2-3 zoning district lots (Block 7315, Lots 1 and 76) and could be redeveloped with commercial uses. In the future, with the proposed R6A/C2-3 zoning district, the affected area could be redeveloped (at 3.0 FAR for residential uses and 1.0 FAR for commercial use) with 94,643 sq. ft. of mixed residential and commercial development, which could result in approximately 63 dwelling units, approximately 31,000 sq. ft. of ground floor commercial space, and approximately 30 parking spaces. The incremental difference between the no-action (as-of-right) conditions and the with-action conditions (with the proposed rezoning) is approximately 26 new dwelling units, 24,500 sq. ft. of commercial development, and 5 new parking spaces.

As a result of the environmental review, the proposed zoning map amendment includes an (E) designation (E-177) on selected development sites in order to avoid the potential for hazardous materials impacts. The (E) designation related to hazardous materials has been placed on Block 7135, Lot 1.

The following is the proposed text of the (E) designations:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

The placement of (E) designations would ensure that no significant impacts related to hazardous materials would occur as a result of the proposed action.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement dated February 6, 2007, prepared in connection with the ULURP Application (050317 ZMK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact James Merani of the Department of City Planning at (212) 720-3628.

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James P. Merani, R.A., Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 03/23/07



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 03/26/07

