CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

February 21, 2017

# NEGATIVE DECLARATION

**Project Identification**
CEQR No. 17DCP114Q
ULURP Nos. 170256ZMQ, N170257ZRQ
SEQRA Classification: Type I

**Lead Agency**
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
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**Name, Description and Location of Proposal:**

**Broad Channel Resiliency Rezoning**

The New York City Department of City Planning (DCP) proposes an amendment to the Zoning Map and an amendment to the Zoning Resolution that will affect all or portions of 60 tax blocks in Broad Channel, Queens, Community District 14. The Broad Channel rezoning area encompasses the predominantly residential portion of an island bounded by the Gateway National Recreation Area and a U.S. Pierhead and Bulkhead Line within Jamaica Bay.

The proposed actions would:

1. Establish the Special Coastal Risk District (Zoning Resolution Section 137-00) to signal flood risk to the community. This Special Coastal Risk District could be applied elsewhere in the City and is being applied to Hamilton Beach as a Subdistrict, as part of a concurrent application (CEQR 17DCP115Q).
2. The proposed actions would also establish a Broad Channel Subdistrict which will have the added effect of limiting the density of future development.
3. Replace R3-2 with R3A zoning to only allow detached residences, and replace R3-2 with C3A zoning within the Broad Channel Subdistrict to bring water related uses into conformance and reinforce neighborhood character. The proposed actions would also modify the R3A within the Subdistrict to only allow single-family detached homes.

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4. Replace existing C1-2 commercial overlays with C1-3 commercial overlays- covering all or portions of three blocks within the proposed R3A zoning- which have a lower parking requirement.

It is the objective of the proposed actions to:

1. Signal flood risk and limit the density of future development by restricting new residential development to single family detached buildings.
2. Reinforce neighborhood character and established building patterns by replacing existing R3-2 zoning with contextual R3A zoning, which would only allow single- family detached homes.
3. Provide commercial buildings relief from high off-street parking requirements that might otherwise make the incorporation of flood mitigation measures into the renovation, reconstruction, or redevelopment of commercial uses more difficult.

Overall, the proposed actions are anticipated to reduce density in an area which is vulernable to flooding by changing the allowable typology to only allow single-family detached homes. The proposed actions are anticipated to reduce density by 200 dwelling units. However, for the area being rezoned from C1-2 to C1-3, to bring water related uses into conformance, development is possible and so a soft site analysis was completed. Within this area being rezoned C1-3, only one projected development site was identified, which would produce 4,200 sf of commercial usage and 900 sf of residential usage. The low number of developments sites is plausible given that the new zoning was designed to bring existing buildings into comforance- not to create new uses.

Today, Broad Channel is zoned R3-2 with C1 and C2 commercial overlays located in two areas along Cross Bay Boulevard. These zoning districts have remained unchanged since 1961 when the current Zoning Resolution was adopted and do not reflect either the current building pattern, which is predominately single-family detached buildings on narrow lots, or the current and future flood risk. Within the rezoning area, residential buildings and vacant lots are the largest land use. The remaining land use categories—mixed residential and commercial, commercial and office, industrial and manufacturing, transportation and utility, and public facilities and institutions, open space and recreation and parking— account for approximately five percent combined.

The analysis year for the proposed actions is 2032.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation (E- 417) has been incorporated into the proposed actions, as described below.

The (E) designation requirements related to air quality would apply to the only projected development site, an assemblage located on Block 15460, Lot 1 and 29:

The (E) designation text related to air quality is as follows:

> **Block 15460, Lot 1 and 29**
> **Any new residential and/or commercial development must ensure that the emission point of the stack is at least 28 feet above grade and that the heating, ventilating and air conditioning stack(s) is located at most 18 feet away from the lotline facing East 9 Road, to avoid any potential significant air quality impacts.**

The (E) designation requirements related to noise would apply to the following development site:

> **Block 15460, Lot 1 and 29**

The (E) designtation text related to noise is as follows:

> **Block 15460, Lot 1 and 29**
> **In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.**

The (E) designation requirements related to hazardous materials would apply to the following development site:

> **Block 15460, Lot 1 and 29**

The (E) designation text related to hazardous materials is as follows:

> **Task 1**
> **The applicant submits to OER, for review and approval, a Phase 1 of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.**
>
> **If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based**

**contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**

**Task 2**

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

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

**An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.**

**All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.**

**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 17, 2017, prepared in connection with the ULURP Application (Nos. 170256ZMQ, N170257ZRQ). 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:

1. The (E) designation for air quality, noise and hazardous materials would ensure that the proposed actions would not result in significant adverse impacts.

2. No other 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 Lisa Blake at (212) 720-3621.

Robert Dobruskin

Date: February 17, 2070

Robert Dobruskin, AICP, Director
Environmental Assessment & Review Division
Department of City Planning

Date: February 21, 2017

Kenneth J. Knuckles, Esq., Vice Chairman
City Planning Commission