NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

July 12, 2021

Brisa Builders
c/o Amanda Iannotti, Sheldon Lobel P.C.
18 East 41st Street, 5th Floor
New York, NY 10017

Re:	**Beach 67th Street Rezoning**
CEQR No.	21DCP048Q
ULURP No(s).	C200230ZMQ, N200231ZRQ
SEQRA Classification:	Unlisted
Queens Community District:	QN14

Dear Amanda Iannotti,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment on the environment with the conditions outlined in the Conditional Negative Declaration.

Enclosed is the Conditional Negative Declaration for CEQR No. 21DCP048Q, Beach 67th Street Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Conditional Negative Declaration was issued on 7/12/2021.

Sincerely,

Olga Abinader, *Director*

July 12, 2021

Date: July 12, 2021

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Donovan Richards, Queens Borough President
Queens Community Board QN14

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification
CEQR No. 21DCP048Q
APPLICATION No. 200230ZMQ, N200231ZRQ
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Olga Abinader
(212) 720-3493

Name, Description and Location of Proposal

Beach 67th Street Rezoning

The Applicant, Brisa Builders Developers, LLC and God's Battalion of Prayer Properties, Inc., requests a zoning map amendment from an R4A to an R6 zoning district and a zoning text amendment to establish an MIH area coterminous with the proposed rezoning area (the "Proposed Actions") to facilitate the development of two new buildings in the Arverne neighborhood of Queens, Community District 14.

The "Rezoning Area" is located at 450, 444, 442, 438, 432, 430, 426 at Beach 67th Street and 430 Beach 68th Street (Block 16040, Tax Lots 12, 14, 16, 18, 20, 22, 24 and Block 16041, Tax Lot 6) on the Rockaway Beach Peninsula. Block 16040, Lots 12, 14, 16, 18, 20 and 22 comprise Projected Development Site 1, which is owned by the Applicant. In the future with the Proposed Actions, Projected Development Site 1 would be developed with two buildings: an approximately 60,480 gross square foot (gsf) Use Group (UG) 2 residential building containing 84 dwelling units (DUs), proposed to be affordable independent residences for seniors (AIRS), with 9 accessory parking spaces, and an approximately 76,241 gsf community facility building, proposed to contain a charter school, with 15 accessory parking spaces.

In addition to the Applicant's proposed development, the environmental analysis conservatively assumed a second projected development on one non-Applicant controlled site, Block 16041, Lot 6 (Projected Development Site 2). Projected Development Site 2 would be developed with a 221,760 gsf UG 2 residential building containing 221 DUs and 100 accessory parking spaces.

Absent the Proposed Actions, the Rezoning Area would remain unchanged. The proposed project is anticipated to be completed by 2022.

Olga Abinader, *Director*
Stephanie Shellooee, AICP, *Deputy Director*
120 Broadway, 31st Floor, New York, NY 10271
(212) 720-3493
oabinad@planning.nyc.gov

To avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise, an (E) designation, (E-605), has been incorporated into the Proposed Actions as described below.

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

> **Projected Development Site 1 (Block 16040, Lots 12, 14, 16, 18, 20, 22, 24)**
> **• Projected Development Site 1A (Charter School) - Any new community facility development on the above-referenced property must ensure HVAC stack(s) is located at the highest tier and at least 131 feet above grade, to avoid any significant adverse air quality impacts.**
> **• Projected Site 1B (Affordable Independent Residence for Seniors (AIRS)) - Any new residential development on the above-referenced property must ensure HVAC stack(s) is located at the highest tier and at least 93 feet above grade, the location of any heating, ventilation, air conditioning (HVAC) stack shall be restricted to at most 50 feet from the northern lot line facing Thursby Avenue to avoid any significant adverse air quality impacts.**
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> **Projected Development Site 2 (Block 16041, Lot 6)**
> **• Projected Development Site 2 - Any new residential development on the above-referenced property must ensure stack(s) is located at the highest tier and at least 78 feet above grade.**

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

> **Block 16040 / Lots 12, 14, 16, 18, 20, 22, 24 (Projected Development Site 1): To ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 31 dB(A) window/wall attenuation on the southern, and western (Beach 67th Street) façades and a 31 dB(A) window/wall attenuation above the fourth floor on the eastern façade to maintain an interior noise level not greater than 45 dB(A). 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.**
>
> **Block 16041 / Lot 6 (Projected Development Site 2): To ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed-window condition with a minimum of 31 dB(A) window/wall attenuation on the western (Beach 68th Street), eastern (Beach 67th Street) northern, and southern façades to maintain an interior noise level not greater than 45 dB(A). 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.**

The (E) designation text related to hazardous materials would apply to Block 16040, Lots 12, 14, 16, 18, 20, 22 and 24.

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

> **Task 1-Sampling Protocol**
> **The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**
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> **Task 2-Remediation Determination and Protocol**
> **A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.**
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> **If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.**
>
> **A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.**

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 26, 2021 prepared in connection with the ULURP Application (Nos. 200230ZMQ, N200231ZRQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The Applicant agrees to enter into a Restrictive Declaration (RD) to ensure the implementation of mitigation relating to traffic and pedestrian operations which would avoid the potential for any significant adverse impacts. The mitigation measures are as follows:

1) With regard to traffic mitigation measures, the Applicant agrees to implement the following measures in consultation with DOT:
    a) At Beach Channel Drive and Beach 67th Street:
        i) Reallocate six (6) seconds of green time from the northbound/southbound approach to the eastbound/westbound approach.
    b) At Beach Channel Drive and Beach 62nd Street/Arverne Boulevard:
        i) Create two 11-foot wide eastbound Beach Channel Drive travel lanes (one for left turns and through traffic to Beach Channel Drive and one for through traffic to Arverne Boulevard).
        ii) Maintain an 11-foot wide westbound Beach Channel Drive travel lane between Beach 62nd and Beach 63rd Streets.
        iii) Remove 175 feet of parking on both sides of Beach Channel Drive between Beach 62nd and Beach 63rd Streets. This would eliminate approximately 14 parking spaces (seven on each side of the street).
        iv) Provide "No Stopping Anytime" signs on both sides of Beach Channel Drive between Beach 62nd and Beach 63rd Streets.
        v) Shift the Beach Cannel Drive center line 5.5 feet to the north between Beach 62nd and Beach 63rd Streets.
        vi) Create 2.5-foot wide stripped buffers along both curbs of Beach Channel Drive between Beach 62nd and Beach 63rd Streets.
        vii) Shift the five-foot wide eastbound and westbound exclusive bicycle lanes on Beach Channel Drive between the 2.5-foot curb buffers and the 11-foot travel lanes between Beach 62nd and Beach 63rd Streets.
        viii) Shift the eastbound Beach Channel Drive stop bar at the Beach 62nd Street intersection 25-feet to the west and add "Stop Here on Red" sign.
        ix) Add eastbound lane designation and/or guide signs on Beach Channel Drive prior to Beach 62nd Street.
        x) Adjust Phase A by stopping eastbound Beach Channel Drive vehicles to Arverne Boulevard to protect eastbound bicycles/pedestrians.
        xi) Add a stripped crosswalk across southbound Arverne Boulevard east of Beach 62nd Street (between the southeast corner and the island).
        xii) Adjust Phase B by allowing eastbound Beach Channel Drive vehicles to Arverne Boulevard to move with northbound Arverne Boulevard (eastbound Beach Channel Drive bicycles/pedestrians are stopped).
        xiii) Add new or relocate signal heads, poles, and other equipment related to the modified signal phasing and roadway geometry at the intersection of Beach Channel Drive and Arvene Boulevard if/as required by DOT.

The above measures constitute the “Traffic Mitigation Measures.”

2) With regard to pedestrian mitigation measures, the Applicant agrees to request NYPD crossing guards at the intersections of Thursby Avenue and Beach 66th Street and Thursby Avenue and Beach 68th Street, along with the Thursby Avenue and Beach 67th Street intersection; and to direct students safely through these intersections during school commencement and dismissal. The Applicant commits to deploying school safety officers during school commencement and dismissal at these three intersections, at the Applicant's expense, until such time that crossing guards can be provided (except at locations where crossing guards are currently deployed during these periods) in consultation with DOT (the "Pedestrian Mitigation Measures").

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. A traffic analysis identified the potential for significant adverse impacts at the intersections of Beach Channel Drive and Beach 67th Street, Beach Channel Drive and Beach 66th Street, and Beach Channel Drive and Beach 62nd Street. A pedestrian analysis identified the potential for significant adverse impacts at the intersections of Thursby Avenue and Beach 66th Street and Thursby Avenue and Beach 68th Street. The proposed Traffic Mitigation Measures and Pedestrian Mitigation Measures identified in the Statement of No Significant Effect would fully mitigate the potential significant adverse impacts. Consequently, no significant adverse impacts related to transportation (traffic or pedestrians) would occur as a result of the proposed actions.

2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the Applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

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

I, the Undersigned, as the Applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.

Ericka Keller — Date: February 26, 2021

Signature of Applicant or Authorized Representative

Ericka Keller, Brisa Builders

Name of Applicant or Authorized Representative

Olga Abinader — Date: February 26, 2021

Olga Abinader, Director
Environmental Assessment and Review Division
Department of City Planning

Marisa Lago — Date: July 12, 2021

Marisa Lago, Chair
City Planning Commission