CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

April 24, 2017

NEGATIVE DECLARATION

Project Identification
CEQR No. 17DCP150R
ULURP Nos. 170373 ZMR, N 170374 ZRR
SEQRA Classification: Type I

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

Name, Description, and Location of Proposal:

Staten Island East Shore Special Coastal Risk District Text Amendment and Rezoning

The New York City Department of City Planning (DCP) proposes an amendment to the Zoning Resolution and an amendment to the Zoning Map that will affect all or portions of a total of 69 tax blocks and 40 tax blocks within the Ocean Breeze and Graham Beach neighborhoods of Community District 2 and 29 blocks within the Oakwood Beach neighborhood of Community District 3. The two areas entirely overlap with the New York State Enhanced Buyout Program, which in part aims to acquire private property and convert the land to open space to serve as buffers to future storms.

The proposed actions seek to achieve the following objectives:

1. Align local land-use regulations with New York State's long term vision for open space in the Enhanced Buyout Areas.
2. Reduce risk to public safety by limiting future residential development in areas highly vulnerable to flooding and other natural hazards, while ensuring preservation of ecologically sensitive areas.
3. Align commercial zoning with existing uses and character, while providing relief from high parking requirements that may inhibit rebuilding after future floods.

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This would be achieved by two land use actions:

1. *Zoning text amendment* -- The proposed actions include amendments to the text of the Zoning Resolution to establish the Special Coastal Risk District (Zoning Resolution 137-00, CR-1). Regulations applicable to this District (CR-1) include discretionary actions subject to review by the City Planning Commission including an authorization for all new development and enlargements beyond existing building footprints. Also, community facilities with sleeping accomodations will be prohibited.
2. *Zoning map amendment* –The proposed actions will establish a C1-3 commercial overlay adjacent to the Special Coastal Risk District in the Graham Beach and Ocean Breeze neighborhood. An existing C1-1 commercial overlay within an R3-2 district will be reduced and replaced with a new C1-3 overlay. This change is intended to more adequately reflect existing development patterns and to reduce off-street parking requirements to make it easier to reconstruct commercial buildings. The C1-3 overlay will also have the added benefit of making rebuilding in a resilient manner easier in the aftermath of future floods.

Overall, the proposed actions are anticipated to reduce residential density in an area which is vulernable to flooding by changing the allowable typology to only allow single-family detached homes. Compared to future no action conditions, the proposed text amendment is anticipated to reduce future residential density, by reducing overall zoning capacity, and could result in a reduction of approximately 57-115 residential units. For the area being rezoned from C1-1 to C1-3, the proposed reduction in parking could result in some additional commercial developement. Within this area being rezoned to C1-3, three projected development sites were identified, which would produce a total of approximately 15,215 sf of commercial space.

Ocean Breeze, Graham Beach and Oakwood Beach contain largely residential uses and are zoned with residential districts as well as select commercial overlays. Open space and recreation make up nearly four percent of the total. Due to the New York States Buyout Program and the program's associated purchase and demolition of homes, this area has a large proportion of vacant parcels- 40 percent. Much of the project area is zoned R3-1 and R3X with limited areas of R3-2. A C1-1 commercial overlay is mapped in Graham Beach.

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-423) has been incorporated into the proposed zoning map amendment, as described below.

The (E) designation requirements related to air quality would apply to all three projected

development sites. The (E) designation text related to air quality for the projected development sites is as follows:

> **Block 3832, Lot 21 (Projected Development Site 1)**
> **Any new commercial development must ensure that the emission point of the stack is at least 18 feet above grade and that the heating, ventilating and air conditioning stack(s) is located at least 57 feet away from the lot line facing Iona Street and at least 41 feet away from the lot line facing Quincy Avenue, to avoid any potential significant air quality impacts.**
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> **Block 3848, Lot 13 (Projected Development Site 2)**
> **Any new commercial development must ensure that the emission point of the stack is at least 18 feet above grade and that the heating, ventilating and air conditioning stack(s) is located at least 26 feet away from the lot line facing Sioux Street to avoid any potential significant air quality impacts.**
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> **Block 3850, Lot 27 (Projected Development Site 3)**
> **Any new commercial development must ensure that the emission point of the stack is at least 18 feet above grade and that the heating, ventilating and air conditioning stack(s) is located at least 22 feet away from the lot line facing Sioux Street to avoid any potential significant air quality impacts.**

The (E) designation requirements related to noise would apply to all three projected development sites. The (E) designation text related to noise is as follows:

> **Block 3832, Lot 21 (Projected Development Site 1)**
> **In order to ensure an acceptable interior noise environment, future 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 50 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.**
>
> **Block 3848, Lot 13 (Projected Development Site 2)**
> **In order to ensure an acceptable interior noise environment, future 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 50 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.**

Block 3850, Lot 27 (Projected Development Site 3)
In order to ensure an acceptable interior noise environment, future 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 50 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 all three projected development sites. The text for the (E) designations 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.

Task 2-Remediation Determination and Protocol

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

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

A construction-related health and safety plan should be submitted to OER and would

be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

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 April 21, 2017, prepared in connection with the ULURP Application (Nos. 170373 ZMR, N 170374 ZRR). 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

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

Date: April 21, 2017

Marisa Lago

Marisa Lago, Chair
City Planning Commission

Date: April 24, 2017