CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

May 23, 2016

NEGATIVE DECLARATION

Project Identification
CEQR No. 16DCP145Q
ULURP Nos. 160219ZMQ, N160220ZRQ
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:

Rockaway Beach Boulevard Rezoning
The applicant, Rockaway Beach Hotel LLC, is seeking a Zoning Map Amendment from R5B/C1-3 to an R6A/C2-5 zoning district affecting the entirety of Block 16180, Lots 1, 2, 3, 8 and 9 (the "Rezoning Area"), located in the Rockaway Beach neighborhood of Queens, Community District 14. The applicant also seeks a Zoning Text Amendment to Appendix F to establish a Mandatory Inclusionary Housing Area (MIHA) coterminous with the Rezoning Area, mapped with MIH Option 2. The proposed actions would facilitate a proposal by the applicant to construct a four-story, 35,896 gross square foot (gsf), 33-room transient hotel (Use Group 5) with an accessory eating and drinking establishment on the applicant's property at 108-20 Rockaway Beach Boulevard (Block 16180, Lots 1, 2, and 3, referred to as "Projected Development Site 1").

Currently, a portion of Projected Development Site 1 (Lots 1 and 2) is developed with two, vacant semi-detached buildings which were formerly occupied by a hotel (Use Group 5) and accessory restaurant use. The other portion of the site (Lot 3) is currently vacant. The remainder of Block 16180 consists of a property (Lots 8 and 9), which is not owned by the applicant. That property ("Projected Development Site 2") is developed with a 4,875 gsf restaurant (Use Group 6) with twelve accessory parking spaces provided in a surface lot. Under the proposed R6A/C2-5 district, Projected Development Site 2 could be redeveloped with a mixed-use residential and commercial development.

The Rezoning Area is currently mapped R5B with a C1-3 commercial overlay. R5B permits a maximum residential floor area ratio (FAR) of 1.35 and maximum Community Facilities FAR of 2.0. C1-3 overlays permit a maximum commercial FAR of 1.0; transient hotels (Use Group 5) are not permitted in C1-3 districts. The maximum building height for residential and mixed use buildings is 33 feet for buildings fronting on wide streets. The proposed actions would rezone the affected area to R6A with a C2-5 overlay. The R6A district would allow an increase in residential FAR of up to 3.6, with affordable housing provided pursuant to the MIH program. The proposed MIH Option 2 requires 30% of residential floor area be provided as affordable housing at an average of 80% AMI. Within the proposed R6A district, the maximum building height would be increased to 85 feet. The proposed C2-5 overlay district permits a maximum commercial FAR of 2.0. A wider wider range of commercial uses are permitted under C2-5 than C1-3 districts, and commercial parking is not required. C2-5 is the lowest density commercial district which permits transient hotels (Use Group 5) as-of-right.

While the applicant does not intend to construct residential uses, the R6A district mapped with MIHA Option 2 would require 30% of all residential floor area be provided as affordable housing at an average of 80% AMI. For conservative analysis purposes, two development scenarios were considered for the applicant-owned site. The first scenario analyzes the proposed project, a four-story, 35,896 gsf, 33-room hotel (Use Group 5) with an accessory eating and drinking establishment. The second scenario, a mixed-use residential development, would be comprised of 30,562 gsf of residential (thirty dwelling units including approximately 9 units of affordable housing) and 11,000 gsf of ground floor retail space. In both scenarios, the existing structures on Lots 1 and 2 would be demolished. Projected Development Site 2 is assumed to be redeveloped with a 26,438 gsf mixed-use building, comprised of 19,558 gsf of residential floor area (nine dwelling units including approximately 5 units of affordable housing) and 6,880 gsf of retail space.

Absent the proposed actions, the existing conditions on all affected lots would remain. Projected Development Site 1 would remain unoccupied; the existing two-story eating and drinking establishment on Projected Development Site 2 would continue in its current use.

The proposed project is expected to be completed by 2019.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation (E-387) has been incorporated into the proposed actions, as described below.

The (E) designation requirements related to air quality would apply to the following development sites:

Projected Development Sites:
Block 16180, Lots 1, 2, 3 (Projected Development Site 1)
Block 16180, Lots 8, 9 (Projected Development Site 2)

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

> **Projected Development Sites:**
> **Block 16180, Lots 1, 2, 3 (Projected Development Site 1)**
> **Any new residential and/or commercial development on Block 16180, Lots 1, 2, and 3, must ensure that only natural gas is used as fuel for the heating system boilers and that the setback distance for the HVAC exhaust stack be at least 55 feet from the lot line facing Beach 108th Street.**
>
> **Block 16180, Lots 8, 9 (Projected Development Site 2)**
> **Any new residential and/or commercial development on Block 16180, Lots 8 and 9, must ensure that only natural gas is used as fuel for the heating system boilers and that the setback distance for the HVAC exhaust stack be at least 40 feet from the lot line facing Beach 109th Street.**

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

> **Projected Development Sites:**
> **Block 16180, Lots 1, 2, 3 (Projected Development Site 1)**
> **Block 16180 Lots 8, 9 (Projected Development Site 2)**

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

> **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 on northern, western and eastern facades 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 sites:

> **Projected Development Sites:**
> **Block 16180, Lots 1, 2, 3 (Projected Development Site 1)**
> **Block 16180 Lots 8, 9 (Projected Development Site 2)**

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.

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 May 20, 2016, prepared in connection with the ULURP Application (Nos. 160219ZMQ, 160220ZRQ). 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) designations (E-387) 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 Stephanie Shellooe at (212) 720-3328.

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

Date: May 20, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: May 23, 2016