



E-262

DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE CHAIR

## **NEGATIVE DECLARATION**

### **Project Identification**

CEQR No. 11DCP023Y  
ULURP Nos. 1100069ZMR;  
N110070ZRY  
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**

#### **Lower Density Growth Management Area (LDGMA) Text Amendment and Commercial Corridor Rezoning**

The New York City Department of City Planning (DCP) is proposing a zoning text amendment affecting Bronx, Community District 10 as well as Staten Island Community Districts 1, 2 and 3; and a zoning map amendment for an area encompassing approximately 28 blocks along Richmond Avenue and Hyland Boulevard in Staten Island Community Districts 2 and 3.

The proposed LDGMA Text Amendment includes three major components: Community Facilities Zoning Text Amendment; Special Hillside Preservation District Zoning Text Amendment; and Commercial Regulations Updates Zoning Text Amendment. The proposed commercial corridor rezoning amendment would add C1-2 and C2-2 commercial overlays in three residentially zoned areas in Staten Island.

#### *Community Facilities Zoning Text Amendment*

In order to tackle the issue of over-sized and under-parked medical offices and day care centers in lower-density residential districts and regulate the development of ambulatory diagnostic and treatment facilities and child care services in certain Lower Density Growth Management Areas (LDGMA) and commercial zoning districts in Staten Island and Community District 10 in the Bronx, the proposed action would establish lot size, parking, and bulk requirements for selected community facility uses in most residential districts, and incentivize these uses in commercial overlay districts.

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The proposal is intended to limit the size of future buildings with medical offices and day care centers to the same rules as any residential building surrounding them. The proposal would also require a minimum zoning lot area and lot width in order to accommodate new parking requirements. At the same time, the Department is proposing to modify rules in commercial districts which are more appropriate locations for medical offices and day care centers.

The proposed action would shift new ambulatory health care and child care facilities away from low density residential districts and into other residential and commercial districts. The action would not result in a net increase of development. The effects of the action are expected to be widely dispersed across the affected area, and there are no known specific developments that are projected at this time.

#### *Special Hillside Preservation District Zoning Text Amendment*

The proposed text would eliminate the CPC authorization needed for commercial and community facility uses in the Special Hillside Preservation District in C1, C2, and C4 Districts. The Special Hillside Preservation District text amendment has been proposed to address an unintended consequence created by LDGMA commercial rules, in which there is no as-of-right development option for the owners of these properties. Because other authorizations would continue to be needed to develop in these areas, the effect of eliminating this authorization is limited and only five projected sites were identified as likely to be developed as a result of the proposed action. The proposed action is expected to result in a net increase of 12,180 square feet of commercial use on these sites.

#### *Commercial Regulations Updates Zoning Text Amendment*

Stricter Lower Density Growth Management commercial rules for Staten Island were adopted in October and December 2005 to preclude the inappropriate development of townhouses in commercial areas. These rules restricted ground floor uses in C1, C2 and C4 commercial districts to commercial and community facility uses only.

The proposed text amendment would permit existing non-conforming residential buildings to enlarge their non-conforming use on the ground floor as long as the expansion complies with all the underlying residential regulations. The proposed text amendment would also allow required parking spaces to be waived in C1 and C2 Districts mapped within R4, R5, and R6. Further, on corner zoning lots in C1 and C2 Districts mapped within R4, R5, and R6 Districts, commercial, community facility or residential uses would be permitted.

The effect of the correction is expected to be minimal and widely dispersed throughout the affected areas. There are no known specific developments that are projected to occur as a result of this change.

### *Commercial Corridor Rezoning*

The proposal would rezone approximately 27 blocks along the corridors of Richmond Avenue and Hylan Boulevard in Community Districts 2 and 3. These areas have been heavily developed with commercial uses over time, either through grandfathering or BSA variances. The zoning map change will result in the conformance of existing commercial uses and establish a regulatory framework for future commercial development. The proposal would rezone a portion of the three above mentioned areas from: R3X to R3X/C1-2 and R3X/C2-2, R3-1 to R3-1/C1-2 and R3-1/C2-2, R3-2 to R3-2/C2-2, R5 to R5/C1-2, R3A to R3A/C1-2.

The zoning map amendment is expected to result in a net increase of 39,799 square feet of commercial use and 5,788 square feet of community facility on sites within the rezoning area. The analysis identified five projected development sites and four potential development sites where development could occur. The potential development sites are considered less likely than the projected sites to be developed.

The anticipated build year for the proposed zoning text and map amendments is 2020.

To avoid any potential significant adverse impacts resulting from new development on identified projected and proposed development sites, (E) designations for hazardous materials, air quality and noise would be mapped as part of the proposal, as described below.

To preclude the potential for significant adverse hazardous materials impacts, an (E) designation would be mapped on the Staten Island lots listed below.

- Block 2072, Lot 28 (Projected Development Site 1)**
- Block 2102, Lot 106 (Projected Development Site 2)**
- Block 2361, Lots 12, 14, 17, 22 (Projected Development Site 3)**
- Block 5282, Lots 67, 69 (Projected Development Site 4)**
- Block 5318, Lots 5, 6, 7 (Projected Development Site 5)**
- Block 24, Lot 1 (Projected Development Site 6)**
- Block 23, Lots 17, 42 (Projected Development Site 7)**
- Block 23, Lots 1, 4, 13 (Projected Development Site 8)**
- Block 115, Lots 61, 62, 63 (Projected Development Site 9)**
- Block 47, Lots 7, 10, 107 (Projected Development Site 10)**
- Block 5282, Lots 73, 75 (Potential Development Site D)**

The text for the (E) designations is as follows:

#### **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.

With the placement of the (E) designations on the above blocks and lots, no impacts related to hazardous materials would be expected.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the proposal. The text for the (E) designations is as follows:

##### **Block 2072, Lot 28 (Projected Development Site 1)**

Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

##### **Block 2102, Lot 106 (Projected Development Site 2)**

Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

##### **Block 2361, Lots 12, 14, 17, 22 (Projected Development Site 3)**

Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

##### **Block 5282, Lots 67, 69 (Projected Development Site 4)**

Any new residential/commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 5318, Lots 5, 6, 7 (Projected Development Site 5)**

Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 24, Lot 1 (Projected Development Site 6)**

Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 23, Lots 17, 42 (Projected Development Site 7)**

Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 23, Lots 1, 4, 13 (Projected Development Site 8)**

Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 115, Lots 61, 62, 63 (Projected Development Site 9)**

Any new residential/commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 47, Lots 7, 10, 107 (Projected Development Site 10)**

Any new residential/commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 2030, Lots 40, 42 (Potential Development Site A)**

Any new residential/commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 2030, Lots 35, 38 (Potential Development Site B)**

Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 2102, Lot 130 (Potential Development Site C)**

Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

**Block 5282, Lots 73, 75 (Potential Development Site D)**

**Any new commercial development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.**

With the placement of the (E) designations on the above blocks and lots, no impacts related to stationary source air quality would be expected.

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the proposal. The text for the (E) designations is as follows:

**Block 115, Lots 61, 62, 63 (Projected Development Site 9)**

**In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all façades 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.**

**Block 47, Lots 7, 10, 107 (Projected Development Site 10)**

**In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 31 dB(A) window/wall attenuation on all façades 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.**

With the placement of the (E) designation for noise, no impacts related to noise are expected and no further analysis is warranted.

**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 September 10, 2010, prepared in connection with the ULURP Application (Nos. 110069ZRM, N110070ZRY). 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 hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.

2. The (E) designation for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality.
3. The (E) designation for noise would ensure that the proposed action would not result in significant adverse impacts due to noise.
4. No other significant adverse 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 Devesh Doobay at (212) 720-3419.



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

Date: September 10, 2010



Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: September 13, 2010