



IN THE MATTER OF an application submitted by Hylan Plaza 1339, LLC for the grant of an authorization pursuant to Section 36-023 of the Zoning Resolution to allow in a C4- 1 District on a zoning lot in excess of 4 acres, a group parking facility which is accessory to an existing commercial development and proposed enlargement, in connection with a proposed approximately 102,297 square-foot enlargement of an existing commercial development on property located at 2600 Hylan Boulevard (Block 3969, Lots 1, 6, 31, and 35) in a C4-1 District, Borough of Staten Island, Community District 2.

WHEREAS, on December 20, 2016 the applicant, Hylan Plaza 1339, LLC, submitted an application (N 170197 ZAR) seeking an authorization pursuant to Section 36-023 of the Zoning Resolution to allow in a C4- 1 District, on a zoning lot in excess of four acres, a group parking facility which is accessory to an existing commercial development and proposed enlargement, in connection with a proposed approximately 102,297-square-foot enlargement of an existing commercial development on property located at 2600 Hylan Boulevard (Block 3969, Lots 1, 6, 31, and 35), Borough of Staten Island, Community District 2; and

WHEREAS, in addition, the following application is being considered concurrently with this application:

N 170198 ZAR	An authorization pursuant to Section 36-023 to allow in a C4-1 District on a zoning lot in excess of four acres a reduction of the parking requirements of Section 36-21 (General Provisions) by 49.8 percent from 3, 293 spaces to 1,652 spaces.
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WHEREAS, in addition to these authorizations, the City Planning Commission also received an application (N 170199 ZCR) from 1339 Hylan Plaza, LLC, for a Chairperson certification for cross-access connections pursuant to Section 36-592; and

WHEREAS, on October 10, 2001 the City Planning Commission approved a previous Authorization pursuant to ZR 36-023 (N 000213 ZAR) for a 46 percent reduction in the on-site parking requirements that allowed 1,522 required parking spaces and facilitated the addition of approximately 34,500 square feet of additional commercial floor area on the subject site; and

WHEREAS on October 10, 2011, the City Planning Commission approved a modification (M 0000213A ZAR) of the previously approved authorization to permit the replacement of an 11,392-square-foot building with a 13,044-square-foot building and require an increase in required accessory parking from 1,522 spaces to 1,540 spaces; and

WHEREAS, the site is currently developed with Hylan Plaza, a 356,782-square-foot regional shopping center containing five buildings and providing 1,414 accessory parking spaces; and

WHEREAS, the applicant proposes to redevelop and reconfigure the shopping center by demolishing an existing 290,100-square-foot commercial building and a 325-square-foot ATM building to allow for the construction of three new commercial buildings totaling 386,705 square feet, and the reconfiguration of parking areas and access to the site.

WHEREAS, the total accessory parking requirement for 386,705 square feet of commercial space on the site would be 3,293 spaces; and

WHEREAS, the applicant proposes to provide 1,652 spaces—resulting in a net increase of 239 parking spaces from the existing conditions—and to maintain two curb cuts, modify five existing curb cuts, and create four new curb cuts to improve vehicular access from Hylan Boulevard, Ebbitts Street and Mill Road; and

WHEREAS, this application (N 170197 ZAR), along with the applications for the related actions (N 170198 ZAR, N 170199 ZCR), was reviewed pursuant to the New York State

Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 17DCP031R; and

WHEREAS, it was determined that the proposed actions may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on August 29, 2016, and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). Together with the Positive Declaration, a Draft Scope of Work for the DEIS was issued on August 29, 2016. A public scoping meeting was held on September 28, 2016, and comments were accepted by the lead agency through October 12, 2016. A Final Scope of Work was issued on January 27, 2017; and

WHEREAS, a DEIS was prepared and a Notice of Completion for the DEIS was issued on January 29, 2017. On April 5, 2017 (Cal. No. 7), a public hearing was held on the DEIS pursuant to SEQRA and the CEQR procedures. No public comments were received on the DEIS. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on May 12, 2017; and

WHEREAS, the FEIS identified significant adverse impacts with respect to transportation (traffic). These impacts and measures to minimize or eliminate these impacts, where feasible and practicable, are described below:

Transportation – Traffic

The proposed project would result in potential significant adverse traffic impacts at a number of locations in the traffic study area. The overall finding of the traffic mitigation analysis is that 7 out of 10 study intersections under the With Action scenario would

either not be significantly impacted or could be mitigated with readily implementable traffic improvement measures, as described below. However, 3 of 10 study intersections would be unmitigated or partially mitigated in one or more peak periods.

The following intersections could be fully mitigated in one or more peak hours:

Hylan Boulevard and Tysens Lane

Impacts would occur on the Eastbound Tysens Lane left turn movement (weekday PM and Saturday midday), Westbound Tysen Lane left turn movement (weekday PM and Saturday midday), and Southbound Hylan Boulevard through-right movement (weekday PM) and could be mitigated through signal timing modifications.

Hylan Boulevard and Lincoln Avenue

Impacts would occur on the Northbound Hylan Boulevard left turn movement (weekday midday, PM, and Saturday midday) and could be mitigated through signal timing modifications.

Hylan Boulevard and Guyon Avenue

Impacts would occur on the Eastbound Guyon Avenue left turn movement (weekday midday and Saturday midday), and Southbound Hylan Boulevard through-right movement (weekday PM) and could be mitigated through signal timing modifications.

Hylan Boulevard and Midland Avenue

Impacts would occur on the Southbound Hylan Boulevard left turn movement (Saturday midday) and could be mitigated through signal timing modifications.

Hylan Boulevard and Buffalo Street

Impacts would occur on the Southbound Hylan Boulevard shared through and right turn movement (Weekday PM) and could be mitigated through signal timing modifications.

In addition, the following intersections could be partially mitigated or are unmitigated in one or more peak hours:

Hylan Boulevard and New Dorp Lane

Impacts would occur on the Eastbound New Dorp Lane left turn movement (Weekday PM), Westbound New Dorp Lane left turn (Saturday midday), Northbound Hylan Boulevard left turn movement (Saturday midday), Southbound Hylan Boulevard left turn movement (weekday midday, PM, and Saturday midday), and Southbound Hylan Boulevard through-right movement (weekday PM). Significant impacts identified at this intersection during the weekday PM peak hour could not be fully mitigated.

Hylan Boulevard and Beach Avenue

An unmitigated impact would occur on the Southbound Hylan Boulevard left turn movement (weekday midday, PM, and Saturday midday)

Hylan Boulevard and Ebbitts Street

Impacts would occur on the Westbound Ebbitts Street left turn movement (weekday midday, PM, and Saturday midday), and Southbound Hylan Boulevard left turn movement (weekday midday, PM, and Saturday midday). Significant impacts identified at this intersection during the weekday midday, PM, and Saturday midday peak hours could only be partially mitigated.

Traffic Mitigation Implementation

Each of the traffic capacity improvements described above fall within the jurisdiction of NYCDOT for implementation. No designated truck loading/unloading zones or bus layover space would be affected by the proposed traffic improvement measures.

WHEREAS, the arterial roads in the area of the project are heavily congested and the FEIS identified significant adverse traffic impacts, some of which would remain unmitigated, and

proposed signal timing mitigations fall within the jurisdiction of the NYCDOT for implementation; and

WHEREAS, to avoid the potential for certain significant adverse impacts to occur, the proposed actions includes an (E) designation for hazardous materials (E-414) for the parcels as detailed below:

Hazardous Materials

Block 3969, Lots 1, 6, 31, and 35

The proposed project would entail demolition of existing building structures and excavation for the new construction. Although this could increase pathways for human exposure, impacts would be avoided by performing the following:

The proposed development has been assigned an E-Designation (E-414) for hazardous materials and is therefore subjected to OER oversight and approval of remedial activities conducted as part of construction to satisfy the E-Designation requirements. Specifically, a Remedial Action Work Plan (RAWP) and associated Construction Health and Safety Plan (CHASP) would be prepared and implemented during the subsurface disturbance associated with the proposed project. The RAWP and CHASP, which would be prepared based on the results of the Phase I ESA and Phase II Investigation, would address requirements for items such as: soil management, stockpiling and disposal; dust control; and contingency measures should unforeseen petroleum tanks or soil contamination be encountered. The RAWP would also include any necessary measures required to be incorporated into the new building to protect human health and the environment. OER approval of the RAWP would be required in order for the DOB to issue excavation/foundation permits.

The text of the E-Designation for Block 3969, Lots 1, 6, 31, and 35 would be as follows:

A proposed remedial action plan must be submitted to DEP or 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 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.

With these measures, the proposed development would not result in significant adverse impacts related to hazardous materials.

WHEREAS, this application (N 170197 ZAR) and the application for the related action (N 170198 ZAR) were referred to Community Board 2 by the Department of City Planning on January 30, 2017 in accordance with the procedures for non-ULURP matters; and

WHEREAS, Community Board 2 held a public hearing on this application (N 170197 ZAR) on March 7, 2017, and on March 21, 2017, by a vote of 23 in favor, with none opposed, one abstention, and one not entitled to vote, adopted a resolution recommending approval of the application; and

WHEREAS, on March 22, 2017 (Calendar No. 8), the City Planning Commission scheduled April 5, 2017 for a public hearing on the Draft Environmental Impact Statement (17DCP031R). The hearing was duly held on April 5, 2017 (Calendar No. 26).

WHEREAS, there were three speakers in favor of the application at the public hearing and none in opposition.

WHEREAS, during the public hearing for the DEIS held on April 5, 2017, the applicant stated that the entire parking area will be redeveloped to current landscaping and safety standards and that remaining retail buildings will undergo façade renovations so they appear consistent with the redeveloped portion of the shopping center; and that given the already congested traffic conditions at many of the intersections in the vicinity of the shopping center, even a nominal expansion of the shopping center would create adverse impacts at these intersections. The applicant also stated the proposed parking ratio would be sufficient to meet the leasing requirements sought by current and prospective tenants; and

WHEREAS, this application (N 170197 ZAR) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*) The designated WRP number is 17-008. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program; and

WHEREAS, the applicant's request for the grant of a City Planning Commission authorization pursuant to Section 36-023 of the Zoning Resolution for a group parking facility in a C4- 1 District which is accessory to a commercial development on a zoning lot in excess of four acres is subject to a CPC finding that the layout of the parking spaces is arranged and located in relation to the uses on the site so as to provide adequate ingress, egress and circulation with respect to the abutting streets; and

WHEREAS, the Commission believes that the existing parking layout, curb cuts, and building orientation do not provide optimal access for vehicles and pedestrians to all commercial uses on site, and that the proposed modification and addition of curb cuts on Mill Road and Ebbitts Street will provide new east-west connections through the site, allowing vehicles and pedestrians an alternative to the primary Hylan Boulevard entrance; and

WHEREAS, the Commission believes that the orientation of the proposed buildings, location of parking areas, and vehicular and pedestrian safety measures, such as roundabouts, sidewalks, and raised crosswalks, minimize the distance between commercial uses and parking area and improve vehicular and pedestrian safety on the site; and

WHEREAS, the Commission believes that the existing conditions along the Mill Road frontage - which include loading docks, underutilized parking spaces, and no direct access to the shopping center or street beautification – are a detriment to the character and quality of the existing residential neighborhoods to the east of Mill Road. The proposed redevelopment improves these conditions by providing direct vehicular, pedestrian and visual access to the shopping center from neighborhoods to the east. In addition, parking lot landscaping and screening requirements will block open parking areas and loading berths from view; and

WHEREAS, the applicant conducted a parking analysis to determine the utilization rate which concluded that subsequent to the proposed enlargement the parking area will operate at 34.1 percent capacity on weekdays and 37.6 percent on weekends during peak hours, and that the parking requirement in a C4-1 district is amongst the highest required by ZR Section 36-21 (General Provisions); and

WHEREAS, the Commission acknowledges that the proposed uses and floor area are permitted as-of-right in a C4-1 zoning district, and would not be subject to CEQR review if more parking were provided; and

WHEREAS, the Commission believes that, based upon the foregoing, the application (N 170197 ZAR) meets the findings of ZR Section 36-023 that the layout of such parking spaces is arranged and located in relation to the use or uses to which such spaces are accessory, so as to provide adequate ingress, egress and circulation with respect to abutting streets or uses; and

WHEREAS, the Commission believes that, based upon the foregoing, the application (N 170198 ZAR) also meets the findings of ZR Section 36-023 to allow a reduction of the parking requirements of Section 36-21 from 3,293 spaces to 1,652 spaces.

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on May 12, 2017, with respect to this application (CEQR No. 17DCP031R), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met:

1. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action adopted herein is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable through the implementation of mitigation measures consisting of traffic signal timing adjustments as deemed appropriate by NYC Department of Transportation and the placement of (E) designation for Hazardous Materials, which form part of the action.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application (N 170197 ZAR) submitted by the applicants for

the grant of an authorizations pursuant to Section 36-023 of the Zoning Resolution to allow in a C4- 1 District, on a zoning lot in excess of four acres, an accessory group parking facility and a reduction of the parking requirements of Section 36-21 at 2600 Hylan Boulevard (Block 3969, Lots 1, 6, 31, and 35) in a C4-1 District, Borough of Staten Island, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (N 170197 ZAR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by S9 Architecture and Engineering, PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Received Date</u>
Z3.0	Zoning Analysis	2016-12-13
Z4.0	Zoning Analysis - Landscaping	2016-12-13
Z5.0	Zoning Lot Site Plan	2016-12-13
L-300	Landscape Plan	2016-12-12
L-301	Landscape Enlargement (Southwest)	2016-12-12
L-302	Landscape Enlargement (Northwest)	2016-12-12
L-303	Landscape Enlargement (Northeast)	2016-12-12
L-304	Landscape Enlargement (Southeast)	2016-12-12

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after: (i) the Declaration of Cross-Access Easement, has been recorded in the Office of the Richmond County Clerk, which declaration is associated with the related Chairman certification (N 170199 ZCR), and the recordation of which declaration shall be deemed a condition of this resolution.

The above resolution, is duly adopted by the City Planning Commission on May 24, 2017 (Calendar No. 14) in accordance with Section 36-023 of the Zoning Resolution.

MARISA LAGO, *Chair*

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
MICHELLE R. DE LA UZ, RICHARD W. EADDY,
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*