

E-281



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

February 27, 2012

NEGATIVE DECLARATION

Project Identification

CEQR No. 12DCP106Q
ULURP Nos. 120195ZMQ
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:

Woodhaven/Richmond Hill Rezoning

The New York City Department of City Planning (DCP) is proposing a zoning map amendment affecting all or portions of approximately 229 blocks and 6,800 lots, generally bounded by Park Lane to the north, 103rd Avenue to the south, Eldert Lane to the west, and the Van Wyck Expressway to the east, in the Woodhaven and Richmond Hill neighborhoods of Queens Community District 9.

The proposed action includes:

- A Zoning Map amendment to change all or portions of approximately 229 blocks currently rezoned R3-1, R5, C8-1, and M1-1 to R3A, R3X, R4A, R4-1, R4B, and R6A to reinforce established development patterns. This action would result in a modest increase in residential and commercial density along the area's main commercial corridors.
- A Zoning Map amendment to replace existing C1-2 and C2-2 overlay districts with C1-4, C2-3, and C2-4 overlay districts, reduce overlay depth, and establish new C2-3 commercial overlay districts in order to recognize existing commercial uses.

It is the objective of the proposed action to:

Amanda M. Burden, FAICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
<http://www.nyc.gov/planning>

- Reinforce neighborhood character and established building patterns by updating existing zoning with new lower density and contextual zones. The rezoning addresses concerns about recent incongruous development through the use of new lower-density and contextual districts (R3A, R3X, R4A, R4-1, and R4B) to more closely reflect the one- and two-family residential development patterns that characterize these neighborhoods on a block-by-block basis.
- Direct new residential and mixed-use development opportunities to major corridors and locations near mass transit resources. The proposed R6A contextual districts on Jamaica and Atlantic Avenues will support new mixed-use, moderate density development along the rezoning area's major commercial corridors.
- Support economic development along primary commercial corridors and prevent commercial intrusion onto residential side streets. Along with the proposed R6A contextual districts along the major corridors, new commercial overlay districts will also be mapped to recognize existing commercial uses and provide new business location opportunities.

The proposed action seeks to reinforce the area's predominant one- and two-family residential character while directing new residential and mixed-use development to locations along the area's main commercial corridors and near mass transit resources.

In order to assess the impacts associated with the proposed action, a Reasonable Worst Case Development Scenario was established. 11 projected development sites were identified as most likely to be developed in the future with the proposed action. As a result of the proposed action, it is anticipated that new development on those sites would consist of 270 dwelling units and 68,502 square feet of retail or service space. Under the no-action scenario, it is anticipated that those sites would contain 44 dwelling units and 54,798 square feet. Therefore, the proposed action would result in a net increase of 226 dwelling units and 13,704 square feet of retail or service space. Additionally, 45 potential development sites were identified as less likely to be developed in the future with the proposed action. The affected area is currently zoned for R3-1, R5, C8-1, and M1-1. The build year is 2022.

The proposed rezoning includes (E) designations on selected development sites in order to preclude future air quality, noise and hazardous materials impacts, which could occur as a result of the proposed action. The (E) designation number is E-281.

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

Block 8840, Lot 154
Block 8853, Lots 112, 113, 114, 115, 116, 117, 143
Block 8883, Lots 84, 88, 89, 90, 98, 99, 100

Block 8899, Lots 1, 15, 16, 18, 19
Block 8922, Lot 5
Block 8938, Lots 3, 4, 5, 6
Block 9324, Lots 30, 35, 36, 37, 38
Block 9349, Lot 37
Block 9351, Lot 40
Block 9354, Lot 33
Block 9388, Lot 3
Block 9389, Lot 1, 4
Block 9401, Lot 1

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

Block 8899, Lot 1 (Projected Development Site A)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8938, Lots 3, 4, 5, 6 (Projected Development Site D)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 9349, Lot 37 (Projected Development Site K)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8899, Lots 15, 16 (Potential Development Site 3)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8899, Lots 18, 19 (Potential Development Site 4)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8840, Lot 154 (Potential Development Site 5)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8853, Lots 112, 113, 114, 115, 116, 117, 143 (Potential Development Site 11)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8922, Lot 5 (Potential Development Site 14)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8883, Lot 100 (Potential Development Site 21)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8883, Lots 98, 99 (Potential Development Site 22)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8883, Lots 88, 89, 90 (Potential Development Site 23)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 8883, Lot 84 (Potential Development Site 24)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 9388, Lot 3 (Potential Development Site 27)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 9389, Lot 1 (Potential Development Site 28)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 9389, Lot 4 (Potential Development Site 29)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 9324, Lots 35, 36, 37, 38 (Potential Development Site 36)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 9324, Lot 30 (Potential Development Site 37)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 9401, Lot 1 (Potential Development Site 38)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 9351, Lot 40 (Potential Development Site 43)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

Block 9354, Lot 33 (Potential Development Site 44)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems must use Natural Gas as the type of fuel for space heating and hot water, to avoid any potential significant adverse air quality impacts.

With the placement of the (E) designations on the above blocks and lots, no significant air quality impacts related to HVAC emissions would be expected as the result of the proposed action.

There are three levels of required noise attenuation. Depending on the ambient noise levels they would require 35, 39 and 41 dBA of window/wall attenuation.

The following properties require 35 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise. The proposed action includes (E) designations on the following block and lots which encompass one (1) projected and twelve (12) potential development sites:

Projected Development Site

Block 9388, Lot 5

Potential Development Site

Block 9315, Lot 23

Block 9317, Lot 21

Block 9324, Lot 30

Block 9349, Lot 31

Block 9351, Lot 40

Block 9352, Lot 28

Block 9354, Lot 33

Block 9389, Lot 1

Block 9398, Lot 1

Block 9401, Lot 1

Block 9434, Lot 2, 6

Block 9436, Lots 1, 3

The text of the (E) designation for noise for the above properties 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 35 dB(A) window/wall attenuation in 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.

The following properties require 39 dBA of noise attenuation in order to avoid the potential for

significant adverse impacts related to noise. The proposed action includes (E) designations on the following block and lots which encompass four (4) projected and fifteen (15) potential development sites:

Projected Development Site

Block 8899, Lot 1

Block 8922, Lot 3

Block 8869, Lot 35

Block 9286, Lot 123

Potential Development Site

Block 8835, Lot 1

Block 8847, Lots 147, 148, 155, 156

Block 8853, Lots 108, 109, 112, 113, 114, 115, 116, 117, 143

Block 8883, Lots 84, 100

Block 8899, Lot 6

Block 8919, Lots 21, 29

Block 8922, Lot 5

Block 8931, Lots 3, 4, 5, 6

Block 8932, Lot 11

Block 9177, Lot 59

Block 9286, Lot 8, 123

The text of the (E) designation for noise for the above properties 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 39 dB(A) window/wall attenuation in 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.

The following property requires 41 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise. The proposed action includes (E) designations on the following block and lot which encompass one (1) potential development site:

Potential Development Site

Block 8934, Lot 8

The text of the (E) designation for noise for the above property 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 41 dB(A) window/wall attenuation in all façades in order to maintain an interior

noise level of 45 dB(A). To achieve 41 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. 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.

With the attenuation measure specified above, the proposed action would not result in any significant adverse noise impacts, and would meet CEQR guidelines.

By placing (E) designations on sites where there is a known or suspected environmental concern the potential for an adverse impact to human health and the environment resulting from the proposed action may be avoided.

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

Projected Development Site

Block 8899 Lot(s) 1
Block 8922 Lot(s) 3
Block 8869 Lot(s) 35
Block 8938 Lot(s) 3, 4, 5, 6
Block 9286 Lot(s) 123
Block 9388 Lot(s) 5
Block 9392 Lot(s) 3, 5, 6, 7, 8
Block 9320 Lot(s) 121, 124
Block 9400 Lot(s) 3, 4, 6
Block 9401 Lot(s) 6
Block 9349 Lot(s) 37

Potential Development Site

Block 8899 Lot(s) 6
Block 8899 Lot(s) 18, 19
Block 8840 Lot(s) 154
Block 8908 Lot(s) 4, 7
Block 8847 Lot(s) 155, 156
Block 8847 Lot(s) 147, 148
Block 8919 Lot(s) 14, 15
Block 8919 Lot(s) 21

Block 8835 Lot(s) 1
Block 8899 Lot(s) 15, 16
Block 8853 Lot(s) 112, 113, 114, 115, 116, 117, 143
Block 8853 Lot(s) 108, 109
Block 8919 Lot(s) 29
Block 8922 Lot(s) 5
Block 8861 Lot(s) 91
Block 8931 Lot(s) 3, 4, 5, 6
Block 8868 Lot(s) 34
Block 8932 Lot(s) 11

Potential Development Site (cont '.)

Block 8933	Lot(s) 74, 75, 77	Block 9396	Lot(s) 8
Block 8934	Lot(s) 8	Block 9398	Lot(s) 1
Block 8883	Lot(s) 100	Block 9399	Lot(s) 2
Block 8883	Lot(s) 98, 99	Block 9324	Lot(s) 35, 36, 37, 38
Block 8883	Lot(s) 88, 89, 90	Block 9324	Lot(s) 30
Block 8883	Lot(s) 84	Block 9401	Lot(s) 1
Block 9177	Lot(s) 59	Block 9434	Lot(s) 2
Block 9286	Lot(s) 8	Block 9349	Lot(s) 31
Block 9388	Lot(s) 3	Block 9436	Lot(s) 1, 3
Block 9389	Lot(s) 1	Block 9350	Lot(s) 32
Block 9389	Lot(s) 4	Block 9351	Lot(s) 40
Block 9315	Lot(s) 23	Block 9354	Lot(s) 33
Block 9393	Lot(s) 1	Block 9352	Lot(s) 28
Block 9317	Lot(s) 21		

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 1A of the site along with a soil and groundwater 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 sample sites should be selected to adequately characterize the site, the specific source 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 be 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 the 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 OER-approved construction-related 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.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

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 24, 2012, prepared in connection with the ULURP Application (Nos. 120195ZMQ). 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 Jonathan Keller at (212) 720-3419.



Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: February 24, 2012



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: February 27, 2012