CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

June 3, 2013

NEGATIVE DECLARATION

Project Identification
CEQR No. 13DCP138Q
ULURP No. 130344ZMQ
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:

East Elmhurst Rezoning
The applicant, The New York City Department of City Planning (DCP), is proposing zoning map amendments on all or portions of approximately 141 blocks in the neighborhoods of East Elmhurst and Corona, Queens Community Districts 3 and 4. The rezoning area within the East Elmhurst neighborhood is generally bounded by the Grand Central Parkway (GCP) to the north and east, 32nd Avenue to the south and to the west, by a line beginning at 91st Street and moving northwesterly to 80th Street where it meets Astoria Boulevard. The rezoning area within the Corona neighborhood is generally bounded by Elmhurst Avenue and 114th Street along the south side of Roosevelt Avenue.

The proposed action includes:

- **Lower-density/Contextual Zoning:** Rezone all or portions of approximately 128 blocks within the area bounded by the Grand Central Parkway, 32nd Avenue and a stepped line from 91st Street where it intersects with 32nd Avenue north to where it meets the GCP at 82nd Street from R3-2 and R4 to lower-density contextual districts R2A, R3-1, R3A, R3X and R4B to reflect existing lower-density contexts. Additionally, rezone all or portions of 26 blocks located between 32nd Avenue and Astoria Boulevard currently zoned R3-2 to R4 and R4-1 to reflect the existing built context.

- **Medium-density Contextual Zoning:** Rezone all or portions of approximately 32 blocks on

Astoria Boulevard (includes a portion of 25th Avenue) between 87th and 99th streets and on the south side of Astoria Boulevard between 99th and 108th streets from R3-2 /R4 to R6B to encourage new residential development and mixed-use on lots with commercial overlays.

- **Commercial Overlay modifications:** Elimination of some, addition of others and reduce the depth from 150 feet to 100 feet on overlays to prevent commercial intrusion onto residential lots. Introduce new C1-3 and C2-3 overlays for East Elmhurst and C1-4 and C2-4 overlays for Roosevelt Avenue to reflect current land uses and reinforce the character of the two major thoroughfares.

The proposed action seeks to reinforce the lower density character of the East Elmhurst neighborhood while ensuring that future development is consistent with the neighborhood's building and land use patterns. The proposed action would reinforce neighborhood character and established building patterns by updating existing zoning with new lower density and contextual zones while directing new residential and mixed-use development opportunities to the areas major corridors. Additionally, the proposed action would allow for some modest growth along Astoria Boulevard, upgrade commercial zoning to reflect the existing retail character and prevent commercial intrusion into residential side streets by tailoring commercial overlays to reflect existing land uses. By establishing updated commercial overlays, the proposed action seeks to reinforce the commercial character of Roosevelt Avenue, which was part of an earlier rezoning in 2003 that mapped a contextual residential district.

In order to assess the impacts associated with the proposed action, a Reasonable Worst Case Development Scenario was established. Eight 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 a net increase of 34 dwelling units, 42,080 gross square feet (gsf) of local retail space, and a decrease of 17,090 gsf of community facility space. Absent the proposed actions, the study area would continue to be developed in the same general patterns found under existing conditions as-of-right. This includes 52 dwelling units, 9,202 square feet of commercial space and 30,722 square feet of community facility space. The build year is 2023.

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-314.

The (E) designation requirements related to air quality would apply to the following properties which include three (3) projected development sites and two (2) potential sites:

Projected Development Sites
Block 1101, Lots 40, 144 *(Site B)*
Block 1102, Lot 47 *(Site C)*

Block 1370, Lot 39 *(Site D)*

Potential Development Sites
Block 1365, Lot 22 *(Site 4)*
Block 1366, Lot 32 *(Site 5)*

The text for the (E) designations for each of the above sites is as follows:

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

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

The (E) designation related to noise requires 35dBA of window/wall attenuation.

The following sites 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 properties which include five (5) projected and seven (7) potential development sites:

Projected Development Sites
Block 1362, Lot 6 *(Site A)*
Block 1101, Lots 40, 144 *(Site B)*
Block 1102, Lot 47 *(Site C)*
Block 1370, Lot 39 *(Site D)*
Block 1688, Lot 30 *(Site E)*

Potential Development Sites
Block 1099, Lots 50, 55, 60 *(Site 1)*
Block 1100, Lot 43 *(Site 2)*
Block 1363, Lot 5 *(Site 3)*
Block 1365, Lot 22 *(Site 4)*
Block 1366, Lot 32 *(Site 5)*
Block 1367, Lot 25 *(Site 6)*
Block 1694, Lot 1 *(Site 7)*

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 include, but are not limited to, central air conditioning.

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

Regarding hazardous materials, 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 Sites
Block 1362 Lot 6 *(Site A)*
Block 1101 Lots 40, 144 *(Site B)*
Block 1102 Lot 47 *(Site C)*
Block 1688 Lot 30 *(Site E)*
Block 1608/1609 Lots 1, 2, 3, 5, 13 *(Site F)*
Block 1996 Lot 25 *(Site H)*

Potential Development Sites
Block 1099 Lots 50, 55, 60 *(Site 1)*
Block 1100 Lot 43 *(Site 2)*
Block 1363 Lot 5 *(Site 3)*
Block 1365 Lot 22 *(Site 4)*
Block 1366 Lot 32 *(Site 5)*
Block 1367 Lot 25 *(Site 6)*
Block 1694 Lot 1 *(Site 7)*

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

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 May 31, 2013, prepared in connection with the ULURP Application (No. 130344 ZMQ). 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

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

Date: May 31, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: June 3, 2013