ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Phipps Houses
c/o Michael Wadman
902 Broadway, 13th Floor
New York, New York 10010

Re:	**50-25 Barnett Avenue Rezoning**
CEQR No.	20DCP038Q
ULURP No(s).	C 200243 ZMQ and N 200244 ZRQ
SEQRA Classification:	Unlisted
Queens Community District:	QN02

Dear Michael Wadman,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment.

Enclosed is the Negative Declaration for CEQR No. 20DCP038Q, 50-25 Barnett Avenue Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on October 5, 2020.

Sincerely,

Olga Abinader, *Director*

October 5, 2020
Date

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Sharon Lee, Queens Borough President
Queens Community Board QN02

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NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The proposed actions are a Zoning Map Amendment to rezone the project area (Queens Block 119, Lot 143) from an M1-1 district to an R6A district and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area with MIH options 1 coterminous with the rezoning area in the Sunnyside neighborhood of Queens Community District 2. The project area is located just south of the Long Island Rail Road Sunnyside Yard on the north side of Barnett Avenue within a band of industrial, auto-oriented, and transportation and utility uses, northeast of Sunnyside Gardens Park and across the street from the Phipps Garden Houses. The proposed actions would facilitate the development of a mixed-use buildings on Queens Block 119, Lot 143[1], containing residential and non-profit office space. The proposed actions are anticipated to result in a change on the project area, however, given the predominantly residential character and the immediate built context of the surrounding area, the change in land use and zoning would not constitute a significant adverse impact.

Open Space

A detailed analysis related to Open Space is included in this EAS. The proposed actions would introduce new residential open space users to the project area which would exacerbate an existing shortfall of open space in the surrounding area. The population introduced by the proposed actions would reduce the open space ration in the open space study area by approximately one percent in an area that is currently underserved by open space. However, open space resources which serve the study area user population are lightly utilized and in good condition and based upon these conditions are expected to be able to accommodate the additional demand introduced by the proposed actions. Additionally, Sunnyside Gardens Park, a private six-acre open space is located across the street from the project area, and while access is limited to fee-paying members of the park, helps to accommodate the demand for open space in the surrounding area. Therefore, the proposed actions would not result in significant adverse impacts to open space.

Shadows

A detailed analysis related to shadows is included in this EAS. The proposed actions would result in incremental shadows on two sunlight-sensitive open space resources during two analysis periods: the Sunnyside Gardens Park and the Sunnyside Gardens Park Community Garden. During the May/August and June analysis periods shadows would be for less than one hour on each resource during the early morning hours. Given the duration and time of shadows coverage, shadows cast by the proposed actions would not be anticipated to affect the viability or condition of these resources. Therefore, the proposed actions would not result in significant adverse impacts related to shadows.

Historic and Cultural Resources

A detailed analysis related to Historic and Cultural Resources is included in this EAS. The proposed actions would result in new development adjacent to the Landmarks Preservation Commission-designated and State and National Register of Historic Places-listed Sunnyside Gardens Historic District. However, the resulting development would not result in significant adverse visual effects to features of the historic resource that make it significant. Construction-related impacts, incremental shadows on sunlight-sensitive features, or physical changes to resources would not occur as a result of the proposed actions. Therefore, the proposed actions would not result in significant adverse impacts to historic and cultural resources.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The proposed actions would result in new development on a site that is currently used as a surface parking lot and would alter the bulk regulations governing the project area to allow development with a substantially different bulk form than what is currently allowed as-of-right. However, the permitted bulk form of development pursuant to the proposed actions would not significantly differ from its built context to the south, namely, the Phipps Garden Houses. Additionally, the project area is on an irregular block abutting a railroad right-of-way and is generally removed from the predominant low-rise built context beyond the Phipps Garden Houses to the south and southeast. Though the proposed actions would modify the bulk regulations applicable to the project area, development permitted pursuant to the proposed actions would not negatively affect pedestrian's experience of the public realm, but rather, would introduce new density and contextual development near a significant open space resource and an existing predominantly residential neighborhood. Therefore, the proposed actions would not result in significant adverse impacts to urban design and visual resources.

Air Quality

A detailed analysis related to Air Quality is included in this EAS. Based on a preliminary assessment it was determined that the proposed actions do not have the potential to result in significant adverse air quality impacts related to mobile and stationary air quality sources, with the exception of emissions from nearby industrial sources, a detailed assessment was warranted for two nearby industrial processing facilities. Based upon detailed dispersion analysis, air toxics emissions from nearby industrial sources would not result in exceedances of NYS Department of Environmental Conservation DAR-1 guidelines, CEQR impact criteria, and National Ambient Air Quality standards thresholds at receptors introduced by the proposed action. Therefore, the proposed action would not result in significant adverse air quality impacts.

[1]Correction as the previous version of this Negative Declaration incorrectly identified the project location.

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Hazardous Materials and Noise

An (E) designation (E-573) related to hazardous materials and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Diane McCarthy at 212-720-3417.

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3493
NAME Olga Abinader	DATE October 2, 2020
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE October 5, 2020
SIGNATURE	

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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Queens	Block 119, Lot 143

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and noise an (E) designation (**E-573**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X		X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply 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.

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Noise

The (E) designation requirements for noise would apply as follows:

> ***Projected Development Site 1:*** *In order to ensure an acceptable interior noise environment, future residential/community facility uses must provide a closed window condition with a minimum of 33 dBA window/wall attenuation on the facades facing 48th Street and 31 dBA of attenuation on facades facing the Long Island Rail Road (LIRR) and the facades facing Woodside Avenue and 28 dBA of attenuation on the facades facing Barnett Avenue to maintain an interior noise level not greater than 45 dBA for residential and community facility uses. 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, air conditioning.*