CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

September 9, 2013

NEGATIVE DECLARATION

Project Identification
CEQR No. 14DCP027Q
ULURP No. 140079ZMQ
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:

Ozone Park Rezoning
The New York City Department of City Planning proposes to change the Zoning Map for all or portions of approximately 530 blocks in Ozone Park, encompassing portions of Queens Community Districts 9 and 10. The rezoning area is generally bounded by Rockaway Boulevard, Atlantic Avenue and 101st Avenue to the north; the Van Wyck Expressway and Lefferts Boulevard to the east; the Belt Parkway to the south; and the Brooklyn borough line to the west.

The proposed action would rezone the area from the existing R3-1, R3-2, R4, R5, C8-1, C4-2, M1-1, and M1-2 zoning districts to R3A, R3X, R4A, R4-1, R4B, R5B, R5D, R6B and R6A contextual zoning districts, which would protect the scale and character of the neighborhood while allowing opportunities for modest growth where appropriate. Certain existing commercial overlays within the residential area would be updated from C1-2 and C2-2 to C1-3 and C2-3, based on underlying land uses. The proposal would refine commercial overlays on the thoroughfares based on the underlying land uses and lot configurations, bringing existing establishments into conformance and protecting the side residential streets from commercial encroachment.

The proposed action seeks to reinforce neighborhood character and established building patterns by updating existing zoning with new lower density and contextual zones while directing a modest amount of new residential and mixed-use development opportunities to major corridors and locations near mass transit resources. The proposed action also seeks to prevent commercial encroachment into

residential areas by reducing the depth of commercial overlays and matching land use patterns with commercial overlays.

In order to assess the environmental effects of the proposed action, a Reasonable Worst-Case Development Scenario was established. Twenty-nine 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 219 dwelling units, an increase of 54,582 square feet of commercial space, and an increase of 19,558 square feet of community facility space. Absent the proposed action, new development would occur as-of-right and consist of 115 dwelling units and 90,496 square feet of commercial space. The affected area is currently zoned R3-1, R3-2, R4, R5, C8-1, C4-2, M1-1, and M1-2. The expected 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-320.

There are four (4) levels of required noise attenuation. Depending on the ambient noise levels they would require 31, 33, 37, or 38 dBA of window/wall attenuation.

The following properties require 31 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 four (4) projected and six (6) potential development sites:

Projected Development Sites:
Block 9501, Lot 30, 32, Site A22
Block 9504, Lots 20, 21, and 22, Site A24
Block 9583, Lot 2, Site A26
Block 9592, Lot 108, 112 Site A27

Potential Development Sites:
Block 9567, Lot 44, Site B40
Block 9567, Lot 48, Site B41
Block 9577, Lot 1, Site B42
Block 9587, Lot 1, Site B43
Block 9588, Lot 3, Site B44
Block 9590, Lot 6, 7, 8, Site B45

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 31 dB(A) window/wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A) for residential use and 50 dB(A) for commercial use. 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.

The following sites require 33 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 twenty (20) projected development sites and twenty-nine (29) potential development sites:

Projected Development Sites:
Block 8946, Lot 7 (Site A1)
Block 8954, Lots 5 and 20 (Site A2)
Block 9006, Lots 9,10, 12 (Site A3)
Block 9018, Lot 71 (Site A4)
Block 9058, Lot 24 (Site A5)
Block 9060, Lot 31 (Site A6)
Block 9081, Lot 19 (Site A7)
Block 9096, Lot 7 (Site A8)
Block 9407, Lot 29 (Site A12)
Block 9414, Lots 48 and 50 (Site A13)
Block 9428, Lot 7 (Site A14)
Block 9429, Lot 4 (Site A15)
Block 9464, Lot 23 (Site A16)
Block 9464, Lots 26 and 30 (Site A17)
Block 9473, Lot 23 (Site A18)
Block 9484, Lot 2 (Site A19)
Block 9485, Lot 6 (Site A20)
Block 9489, Lots 9 and 10 (Site A21)
Block 11372, Lot 39 (Site A28)
Block 11624, Lot 33 (Site A29)

Potential Development Sites:
Block 9005, Lot 1 (Site B1)
Block 9006, Lot 1 (Site B2)
Block 9009, Lot 1 (Site B3)
Block 9009, Lot 6 (Site B4)
Block 9010, Lot 26 (Site B5)
Block 9013, Lots 26 and 55 (Site B6)
Block 9017, Lot 19, 22 (Site B7)
Block 9055, Lot 1 (Site B8)
Block 9057, Lot 27 (Site B9)
Block 9084, Lot 6 (Site B12)
Block 9057, Lot 50 (Site B13)
Block 9403, Lot 25 (Site B28)
Block 9428, Lot 5 (Site B29)
Block 9429, Lot 1 (Site B30)
Block 9433, Lot 5 Site (B31)
Block 9453, Lot 22 Site (B32)
Block 9490, Lot 1 Site (B33)
Block 9557, Lot 50 Site (B39)
Block 11409, Lot 10 Site (B46)
Block 11529, Lot 46 Site (B47)
Block 11372, Lot 46 Site (B48)
Block 11372, Lot 31 Site (B49)
Block 11512, Lot 27 Site (B50)
Block 11512, Lots 37, 42 Site (B51)
Block 11373, Lot 75 Site (B52)
Block 11373, Lot 38 Site (B53)
Block 11493, Lot 79 Site (B54)
Block 11624, Lot 40 Site (B55)
Block 11646, Lots 37, 38 Site (B56)

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 33 dB(A) window/wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A) for residential use and 50 dB(A) for commercial use. 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.

The following sites require 37 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 one (1) projected development sites and eight (8) potential development sites:

Projected Development Site:
Block 9504, Lots 32, 36, and 37 (Site A23)

Potential Development Sites:
Block 9118, Lot 107 (Site B19)
Block 9119, Lot 37 (Site B20)
Block 9120, Lot 40 (Site B21)
Block 9162, Lot 20 (Site B23)
Block 9164, Lot 127 (Site B24)
Block 9167, Lot 1 (Site B25)
Block 9169, Lots 16, 45 and 47 (Site B26)
Block 9172, Lot 60 (Site B27)

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 37 dB(A) window/wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A) for residential use and 50 dB(A) for commercial use. 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.

The following sites require 38 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 four (4) projected development sites and thirteen (13) potential development sites:

Projected Development Sites:
Block 9107, Lot 5 (Site A9)
Block 9110, Lots 22, 26 (Site A10)
Block 9157, Lot 2 (Site A11)
Block 9523, Lot 5 (Site A25)

Potential Development Sites:

Block 9076, Lot 9 (Site B10)
Block 9077, Lots 24, 25, and 45 (Site B11)
Block 9107, Lot 13 (Site B14)
Block 9107, Lots 25 and 27, (Site B15)
Block 9108, Lot 19 (Site B16)
Block 9109, Lot 18 (Site B17)
Block 9113, Lot 29 (Site B18)
Block 9154, Lots 66 and 72, (Site B22)
Block 9507, Lot 39 (Site B34)
Block 9508, Lot 40 (Site B35)
Block 9514, Lot 28 (Site B36)
Block 9517, Lot 25 (Site B37)
Block 9531, Lot 4 (Site B38)

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 38 dB(A) window/wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A) for residential use and 50 dB(A) for commercial use. 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.

The (E) designation requirements related to air quality would apply to the following properties which include eight (8) projected development sites and twenty-four (24) potential sites:

The following sites require heating and hot water equipment utilize only natural gas to avoid the potential for significant adverse impacts related to air quality:

Potential Development Site:
Block 9567, Lot 44 (Potential Development Site B40)

The text of the (E) designation for air quality for the above property is as follows:

> **Any new residential/commercial development on the above referenced property must ensure that fossil fuel-fired heating and hot water system(s) utilize only natural gas, to avoid any potential significant air quality impacts.**

The following sites require heating and hot water equipment setbacks to avoid the potential for significant adverse impacts related to air quality:

Projected Development Sites:
Block 9018, Lot 71 (Site A4, Buildings A and B)
Block 9058, Lot 24 (Site A5)
Block 9464, Lot 23 (Site A16)
Block 9504, Lots 20, 21 and 22 (Site A24, Buildings A, B, C, and D)
Block 11372, Lot 39 (Site A28)
Block 11624, Lot 33 (Site A29)

Potential Development Sites:
Block 9009, Lot 1 (Site B3)
Block 9013, Lots 26, 55 (Site B6)
Block 9057, Lot 27 (Site B9)
Block 9107, Lot 13 (Site B14, Buildings A, B, C, D, E, F, and G)
Block 9162, Lot 20 (Site B23)
Block 11372, Lot 46 (Site B48, Buildings A and B)
Block 11373, Lot 38 (Site B53, Buildings A and B)
Block 11373, Lot 75 (Site B52)
Block 11624, Lot 40 (Site B55)
Block 11646, Lots 37 and 38 (Site B56)

The text of the (E) designation for air quality for the above properties is as follows:

Any new residential/commercial development on the above referenced properties must ensure that the heating and hot water system(s) exhaust stack(s) are located at least 10 feet from any edge of the buildings, to avoid any potential significant air quality impacts.

The following sites require heating and hot water equipment utilize only natural gas *and* must be setback at least 10 feet from the edge of the building to avoid the potential for significant adverse impacts related to air quality:

Projected Development Site:
Block 9464, Lots 26 and 30 (Site A17)

Potential Development Sites:
Block 9055, Lot 1 (Site B8, Buildings A and B)
Block 9077, Lots 24, 25, and 45 (Site B11, Buildings A and B)
Block 9107, Lots 25 and 27 (Site B15)

Block 9120, Lot 40 (Site B21, Buildings A, B, and C)
Block 9428, Lot 5 (Site B29)
Block 9490, Lot 1 (Site B33, Buildings A and B)
Block 9507, Lot 39 (Site B34, Buildings A and B)
Block 11372, Lot 31 (Site B49)
Block 11409, Lot 10 (Site B46, Buildings A, B, C, and D)
Block 11512, Lot 27 (Site B50)
Block 11512, Lots 37 and 42 (Potential Development Site B51)

The text of the (E) designation for air quality for the above properties is as follows:

Any new residential/commercial development on the above referenced properties must ensure that fossil fuel-fired heating and hot water system(s) utilize only natural gas, and that the heating and hot water system(s) exhaust stack(s) are located at least 10 feet from any edge of the buildings, to avoid any potential significant air quality impacts.

The following site requires heating and hot water equipment utilize only natural gas and must be setback at least 15 feet from the edge of the building to avoid the potential for significant adverse impacts related to air quality:

Projected Development Site:
Block 9006, Lots 9, 10, and 12 (Site A3)

The text of the (E) designation for air quality for the above property is as follows:

Any new residential/commercial development on the above referenced property must ensure that fossil fuel-fired heating and hot water system(s) utilize only natural gas, and that the heating and hot water system(s) exhaust stack(s) are located at least 15 feet from any edge of the buildings, to avoid any potential significant air quality impacts.

The following site requires heating and hot water equipment utilize only natural gas and must be setback at least 20 feet from the edge of the building to avoid the potential for significant adverse impacts related to air quality:

Potential Development Site:
Block 9557, p/o Lot 50 (Site B39, Building B)

The text of the (E) designation for air quality for the above property is as follows:

Any new residential/commercial development on the above referenced property must ensure that fossil fuel-fired heating and hot water system(s) only natural gas, and that

the heating and hot water system(s) exhaust stack(s) are located at least 20 feet from any edge of the buildings, to avoid any potential significant air quality impacts.

With these restrictions in place, emissions from the proposed action's HVAC systems would not result in any significant adverse air quality impacts. The (E) designations are based on the reasonable worst-case development scenarios. Any changes to the heights or configurations of the buildings may necessitate revisions to the (E) designations.

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 all of the projected and potential development sites, which are the following:

Projected Development Sites:

Block 8946 Lot 7 (Site A1)
Block 8954 Lots 20, 5 (Site A2)
Block 9006 Lot 9, 10, 12 (Site A3)
Block 9018 Lot 71 (Site A4)
Block 9058 Lots 24 (Site A5)
Block 9060 Lot 31 (Site A6)
Block 9081 Lots 19 (Site A7)
Block 9096 Lot 7 (Site A8)
Block 9107 Lot 5 (Site A9)
Block 9110 Lot 22, 26 (Site A10)
Block 9157 Lot 2 (Site A11)
Block 9407 Lot 29 (Site A12)
Block 9414 Lot 48, 50 (Site A13)
Block 9428 Lot 7 (Site A14)
Block 9429 Lot 4 (Site A15)
Block 9464 Lot 23 (Site A16)
Block 9464 Lot 26, 30 (Site A17)
Block 9473 Lot 23 (Site A18)
Block 9484 Lot 2 (Site A19)
Block 9485 Lot 6 (Site A20)
Block 9489 Lot 9, 10 (Site A21)
Block 9501 Lot 30, 32 (Site A22)
Block 9504 Lot32,36, 37 (Site A23)
Block 9504 Lot20,21, 22 (Site A24)
Block 9523 Lot 5 (Site A25)
Block 9583 Lot 2 (Site A26)
Block 9592 Lot 108, 112 (Site A27)
Block 11372 Lot 39 (Site A28)
Block 11624 Lot 33 (Site A29)

Potential Development Sites:

Block 9005 Lot 1 (Site B1)
Block 9006 Lot 1 (Site B2)
Block 9009 Lot 1 (Site B3)
Block 9009 Lot 6 (Site B4)
Block 9010 Lot 6 (Site B5)
Block 9013 Lot 26, 55 (Site B6)
Block 9017 Lot 19, 22 (Site B7)
Block 9055 Lot 1 (Site B8)
Block 9057 Lot 27 (Site B9)
Block 9076 Lot 9 (Site B10)
Block 9077 Lot 45,24,25 (Site B11)
Block 9084 Lot 6 (Site B12),
Block 9057 Lot 50 (Site B13)
Block 9107 Lot 13 (Site B14)
Block 9107 Lot 27, 25 (Site B15)
Block 9108 Lot 19 (Site B16)
Block 9109 Lot 18 (Site B17)
Block 9113 Lot 29 (Site B18)
Block 9118 Lot 107 (Site B19)
Block 9119 Lot 37 (Site B20)
Block 9120 Lot 40 (Site B21)

Block 9154	Lot 72, 25 (Site B22)	Block 9567	Lot 44 (Site B40)
Block 9162	Lot 20 (Site B23)	Block 9567	Lot 48 (Site B41)
Block 9164	Lot 127 (Site B24)	Block 9577	Lot 1 (Site B42)
Block 9167	Lot 1 (Site B25)	Block 9587	Lot 1 (Site B43)
Block 9169	Lot 16,45,47 (Site B26)	Block 9588	Lot 3 (Site B44)
Block 9172	Lot 60 (Site B27)	Block 9590	Lot 6, 7, 8 (Site B45)
Block 9403	Lot 25 (Site 28)	Block 11409	Lot 10 (Site B46)
Block 9428	Lot 5 (Site B29)	Block 11529	Lot 46 (Site B47)
Block 9429	Lot 1 (Site B30)	Block 11372	Lot 46 (Site B48)
Block 9433	Lot 5 (Site B31)	Block 11372	Lot 31 (Site B49)
Block 9453	Lot 27 (Site B32)	Block 11512	Lot 27 (Site B50)
Block 9490	Lot 1 (Site B33)	Block 11512	Lot 37, 42 (Site B51)
Block 9507	Lot 39 (Site B34)	Block 11373	Lot 75 (Site B52)
Block 9508	Lot 40 (Site B35)	Block 11373	Lot 38 (Site B53)
Block 9514	Lot 28 (Site B36)	Block 11493	Lot 79 (Site B54)
Block 9517	Lot 25 (Site B37)	Block 11624	Lot 40 (Site B55)
Block 9531	Lot 4 (Site B38),	Block 11646	Lot 37, 38 (Site B56)
Block 9557	Lot 50 (Site B39)		

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 September 6, 2013, prepared in connection with the ULURP Application (No. 140079ZMQ). 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

Date: September 6, 2013

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

Date: September 9, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission