NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

63-68 RWKOP LLC
c/o Akerman LLP (attn: Frank St. Jacques)
666 Fifth Avenue, 20th Floor
New York, NY 10103

Re:	**91-32 63rd Drive Rezoning**
CEQR No.	20DCP107Q
ULURP No(s).	200178 ZMQ, N200179 ZRQ
SEQRA Classification:	Unlisted
Queens Community District:	QN06

Dear Mr. St. Jacques,

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. 20DCP107Q, 91-32 63rd Drive 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,

October 5, 2020
Date

Stephanie Shellooe, AICP, *Deputy Director*

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Sharon Lee, Acting Queens Borough President
Queens Community Board QN06

Olga Abinader, *Director*, (212) 720-3493 | oabinad@planning.nyc.gov
Stephanie Shellooe, AICP, *Deputy Director*, (212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271 | Fax: (212) 720-3488

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 3104 Lot 16 and part of Lot 14) from an R4/C2-2 district to an R7A/C2-3 district and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing area with MIH option 2 coterminous with the rezoning area in the Rego Park neighborhood of Queens, Community District 6. The project area is the east blockfront along 63Rd Drive, a wide street, between Austin Street to the north and the Long Island Railroad right-of-way to the south. The proposed actions would facilitate the development of a nine-story (95-feet) mixed use building on Queens Block 3104, Lot 16, containing 74 residential dwelling units, including 24 Affordable Independent Residences for Seniors, 12,707 gross square feet ("gsf") of commercial retail space, and 45 parking spaces.. Zoning controls would also be modified on a part of Lot 14, which is City-owned property. As this site is City-owned, any further development of Lot 16 would require additional discretionary actions, and accordingly Lot 16 is not expected to develop in the future with the proposed actions. As Lot 14 (the project site)is currently vacant, the proposed actions are anticipated to result in a change in land use on Lot 16, however, given current development trends in the surrounding area of mixed-use residential and commercial/retail developments, the proposed actions would not result in significant adverse impacts related to land use, zoning, and public policy.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The analysis further notes the Proposed Project would not alter the arrangement or orientation of streets within the study area, and that the Proposed Project would maintain or similar improved streetscape conditions at the perimeter and near the project site. There are no visual resources within the study area. The analysis concludes that no significant adverse impacts related to urban design and visual resources are expected as a result of the proposed actions.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-568) related to hazardous materials, air quality, 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, air quality, 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, air quality, 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 Anthony Howard at +1 212-720-3422.

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	

Project Name: 91-32 63rd Drive Rezoning
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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 3104, Lot 16

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-568**) 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	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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Air Quality

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

> ***Projected Development Site 1:*** *Any new residential and commercial development and/or enlargement on the above-referenced property must ensure that the heating, ventilating, and air conditions (HVAC) system and hot water equipment stack is located at the highest tier or at least 98 feet above grade to avoid any potential significant adverse air quality impacts.*

Noise

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

> ***Projected Development Site 1:*** *To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on the facades facing LIRR railroad and the facades facing 63rd Drive within 50 feet of the southern lot line and the facades facing 64th Road within 50 feet of the southern lot line and 31 dBA of attenuation on the facades facing 63rd Drive beyond 50 feet from the southern lot line and 28 dBA of attenuation on the facades facing Austin Street and the facades facing 64th Road beyond 50 feet from the southern lot line to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. To maintain a closed-window conditions, an alternate means of ventilations must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*