DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

April 10, 2019

Frank St. Jacques
Akerman LLP
666 Fifth Avenue, 20th Floor
New York, NY 10103

Re: **47-15 34th Avenue Rezoning**
CEQR No. 19DCP003Q
ULURP Nos. 180530ZMQ, N180529ZRQ
Queens, Community District 1

Dear Mr. Jacques:

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

Enclosed is the revised Negative Declaration for CEQR No. 19DCP003Q, 47-15 34th Avenue Rezoning, including supporting statements for the finding that the proposed action will not have a significant effect. The revised Negative Declaration was issued on April 10, 2019.

Sincerely,

Olga Abinader
Acting Director

cc: Project File
Raju Mann, City Council
Melinda Katz, Queens Borough President
Marie Torniali, Chairperson, Queens Community District 1

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NEGATIVE DECLARATION (Use of this form is optional)

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 project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project 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 have no significant effect on the quality of the environment. Reasons supporting this determination are noted below.

Hazardous Materials, Air Quality, and Noise

To ensure that the proposed actions would not result in significant adverse hazardous materials, air quality, and noise impacts an (E) Designation (E-509) has been incorporated into the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of the sites affected by the proposed (E) designation and the applicable (E) designation requirements. The analyses conducted for hazardous materials, air quality, and noise conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, or noise.

Land Use, Zoning, and Public Policy

A detailed analysis of the effects of the proposed actions on Land Use, Zoning and Public Policy was included in the EAS. The proposed actions would facilitate an increase in residential and commercial density within the directly affected area. The proposed actions would be compatible with the land use and zoning patterns within the surrounding area and recent development trends. The analysis concludes that no significant adverse impacts related to Land Use, Zoning and Public Policy would result from the proposed actions.

Community Facilities and Services

A detailed analysis of the effects of the proposed actions on Community Facilities and Services was conducted for Public Schools and it was determined that no significant adverse impacts would be expected to result from the proposed actions.

Public Schools

Pursuant to the CEQR Technical Manual, a significant impact on public schools may occur if the collective utilization rate of the elementary and/or intermediate schools in the Sub-district study area would be greater than or equal to 100 percent in the With-Action condition, and if the proposed actions would result in an increase of five percentage points or more in the collective utilization rate between the No-Action and the With-Action conditions. The utilization rate of elementary schools within Community School District 30, Sub-district 2 would increase by one percentage point from 123.8 percent to 124.8 percent in the 2022 build year as a result of the Proposed Actions, and as such, no significant adverse impacts would occur. The utilization rate of intermediate schools within Community School District 30, Sub-district 2 would increase by approximately 1.8 percentage points from 132.5 percent to 134.4 percent in the 2022 build year as a result of the Proposed Actions, and as such, no significant adverse impacts would occur.

Open Space

A detailed analysis of the effects of the proposed actions on Open Space was conducted and it was determined that no significant adverse impacts would be expected to result from the proposed actions. A significant adverse open space impact may occur if a proposed action would reduce the open space ratio by more than five percent in areas that are currently below

the City's median community district open space ratio of 1.5 acres per 1,000 residents. In areas that are extremely lacking in open space, a reduction as little as one percent may be considered significant.

As a result of the proposed actions, the total residential study area open space ratio would decrease by 1.87 percent to 0.105 acres per 1,000 residents; the active residential study area open space ratio would decrease by 2.70 percent to 0.036 acres per 1,000 residents; and the passive residential study area open space ratio would decrease 2.37 percent to 0.068 acres per 1,000 residents. In the future with the proposed actions, the total, active, and passive open space ratios would remain below the City's guideline ratios of 2.5 acres, 2.0 acres, and 0.5 acres per 1,000 residents, respectively. However, the increase in demand for open space as a result of the proposed actions would not result in significant reductions in the open space ratios, would not overburden existing open space resources, and are not expected to introduce a population that would place a heavy demand on facilities that cater to specific user groups. The proposed actions would not result in the physical loss of existing public open space resources, and would not result in any adverse shadow, air, noise, or other environmental impacts that would affect the usefulness of any study area open space. Therefore, the proposed actions would not result in significant adverse impacts to open space.

Shadows
A detailed assessment of the potential for the proposed actions to result in significant adverse shadows impacts is included in the EAS. A shadow impact occurs when the incremental shadow would fall on a sunlight sensitive resource or feature and reduces its direct sunlight exposure. Determining whether this impact is significant or not depends on the extent and duration of the incremental shadow and the specific context in which the impact occurs. In the future with the proposed actions incremental shadows would be cast on Dwyer Square. On all analysis days, incremental shadows would generally be cast on portions of the open space containing trees and benches during the early morning hours. The extent and duration of the incremental shadows would not significantly alter the public's use of the open space or threaten the viability of vegetation within this open space. Therefore, it was determined that the proposed actions would not result in significant adverse impacts related to shadows.

Urban Design and Visual Resources
A detailed assessment of the effects of the proposed actions on urban design is included in the EAS. The projected developments would be set at or near the street line and would be programmed with active ground floor uses. The tallest portions of Projected Development Sites 1 and 2 would be located on the southern edge of each site along the main thoroughfares of 34th Avenue and Northern Boulevard. The projected developments would incorporate a variety of building heights and a tiered massing to provide a contextual transition from the rezoning area to the surrounding area. Overall, the proposed actions would not result in any negative effects on the urban design characteristics of the rezoning area and would not eliminate or alter existing views of visual resources. Therefore, the proposed actions would not result in a significant adverse impact related to urban design and visual resources.

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**Following certification of the related land use application (ULURP No. 180530ZMQ) on November 13, 2018, the applicant has revised the proposed actions to replace the R7X/C2-4 district originally analyzed with an R7D/C2-4 district. This Revised Negative Declaration supersedes the Negative Declaration issued on November 13, 2018 and reflects the Revised EAS dated April 5, 2019, which assesses the change to the application. As described in the Revised EAS, the change would not alter the conclusions of the previous EAS.*

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)

TITLE	LEAD AGENCY
Acting Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE 04/05/2019
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE 04/10/2019
SIGNATURE	

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Determination of Significance Appendix: (E) Designation

To ensure that the proposed actions would not result in significant adverse hazardous materials, air quality, and noise impacts, an (E) Designation **(E-509)** will be placed on the development sites as described below:

Hazardous Materials

The (E) Designation requirements for hazardous materials will be placed on **Projected Development Site 1 (Block 723; Lots 1 and 8) and Projected Development Site 2 (Block 722; Lots 1, 3, 4, 5, and 70)** and are 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 air quality will be placed on **Projected Development Site 2 (Block 722; Lots 1, 3, 4, 5, and 70)** and are as follows:

> **Any new residential/commercial development or enlargement on the above referenced property must ensure that heating and hot water (HVAC) systems utilize natural gas as the type of fuel exclusively, and ensure that the HVAC stack is located at the highest tier and at least 58 feet above grade to avoid any potential significant adverse air quality impacts.**

Noise

The (E) Designation requirements for noise will be placed on **Projected Development Site 1 (Block 723; Lots 1 and 8)** and are as follows:

> **To ensure an acceptable interior noise environment, building façades must provide minimum composite building façade attenuation as shown in Table H-7 of the 47-15 34th Avenue Rezoning EAS in order to ensure an interior L10 noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition in these areas, an alternate means of ventilation that brings outside air into the buildings without degrading the acoustical performance of the building façade(s) must also be provided.**