CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

February 19, 2013

NEGATIVE DECLARATION

Project Identification
CEQR No. 13DCP093Q
ULURP Nos. 130188ZMQ
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

Bellerose-Floral Park-Glen Oaks Rezoning
The applicant, The New York City Department of City Planning (DCP), is proposing a zoning map amendment on all or portions of approximately 411 blocks and 9,843 lots, generally bounded by 76th Avenue and Union Turnpike to the north, the boundary of the City of New York to the east, Jamaica Avenue and 93rd Avenue to the south, and on the west, by an irregular line north along Springfield Boulevard, 221st, 231st and 229th streets in the Bellerose, Floral Park, and Glen Oaks neighborhoods in northeastern Queens, Community District 13.

The proposed action includes:

- Lower Density/Contextual Zoning Changes: Zoning map amendment for all or portions of 411 blocks from R2, R3-1, R3-2, R3A, R4, R4-1 and C8-1 to R1-2A, R2, R2A, R3A, R3X, R3-1, R3-2, R4 and R4-1 to preserve the existing scale and character of these low density neighborhoods.

- Commercial Corridor Rezoning: Rezoning of 46 partial block fronts along portions of Hillside Avenue from R2 to R3-2 and along Jamaica Avenue from C8-1 to R4 to create a lively streetscape with uses and buildings more similar to the existing surrounding development.

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- Commercial Overlay Modifications: Zoning map amendments to replace existing C1-2 and C2-2 overlays with new C1-3 and C2-3 overlays and reduce the depths of commercial overlay zones from 150 feet to 100 feet to prevent commercial intrusion onto residential streets.

The proposed action seeks to reinforce the lower density character of the Bellerose, Floral Park, and Glen Oaks neighborhoods 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 support economic development along primary commercial corridors and prevent commercial intrusion onto residential side streets but updating and the commercial overlays and reducing their depth. The proposed action would ensure that future residential development would more closely match the existing scale and character of the neighborhoods.

In order to assess the impacts associated with the proposed action, a Reasonable Worst Case Development Scenario was established. Five 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 23 dwelling units, 13,999 square feet of local retail space, and 5,100 square feet of community facility space and a net decrease of 5,147 square feet of office space. Absent the proposed action, no new development is expected to occur as-of-right in the rezoning area. Additionally, seventeen potential development sites were identified as less likely to be developed in the future with the proposed action. The affected area is currently zoned R2, R3-1, R3-2, R3A, R4, R4-1 and C8-1. 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-299.

The (E) designation requirements related to air quality would apply to the following one (1) projected development site and six (6) potential development sites:

Projected Development Site
Block 8667 Lot 25 *(Site B)*

Potential Development Sites
Block 8777 Lot 25 *(Site 1)*
Block 8769 Lot 3 *(Site 3)*
Block 8607 Lot 185 *(Site 6)*
Block 8782 Lots 64 and 71 *(Site 9)*
Block 8790 Lots 34 and 31 *(Site 11)*

Block 7934 Lot 1 *(Site 17)*

The text for the (E) designations is as follows:

Block 8667, Lot 25 (Projected Site B)
Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 8777, Lot 25 (Potential Site 1)
Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 8769, Lot 3 (Potential Site 3)
Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 8607, Lot 185 (Potential Site 6)
Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 8782, Lots 64 and 71 (Potential Site 9)
Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 8790, Lots 34 and 31 (Potential Site 11)
Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7934, Lot 1 (Potential Site 17)
Any new residential and/or commercial development on the above-referenced property must

ensure that the heating, ventilating and air conditioning stack(s) use 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.

There are three levels of required noise attenuation. Depending on the ambient noise levels they would require 31, 33 dBA and 37 dBA of window/wall attenuation.

The following sites 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 two (2) projected and eleven (11) potential development sites:

Projected Development Sites
Block 8794, Lot 22 *(Site A)*
Block 8773, Lot 1*(Site E)*

Potential Development Sites
Block 8777, Lot 25 *(Site 1)*
Block 8771, Lot 8 *(Site 2)*
Block 8769, Lot 3 *(Site 3)*
Block 8788, Lot 1 *(Site 10)*
Block 8790, Lots 31 and 34 *(Site 11)*
Block 8791, Lot 34 *(Site 12)*
Block 8792, Lot 31 *(Site 13)*
Block 8795, Lot 14 *(Site 14)*
Block 8795, Lot 19 *(Site 15)*
Block 8812, Lot 14 and 15 *(Site 16)*
Block 7934, Lot 1 *(Site 17)*

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). 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 six (6) potential development sites:

Potential Development Sites
Block 8766, Lot 1 *(Site 4)*
Block 8596, Lot 33 *(Site 5)*
Block 8607, Lot 185 *(Site 6)*
Block 8607, Lot 180 *(Site 7)*
Block 8782, Lot 59 *(Site 8)*
Block 8782, Lot 64 and 71 *(Site 9)*

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). 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 three (3) projected development sites:

Projected Development Sites
Block 8667, Lot 25 *(Site B)*
Block 8666, Lot 42 *(Site C)*
Block 8667, Lot 1 *(Site D)*

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). 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.

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 8794 Lot 22 *(Site A)*
Block 8667 Lot 25 *(Site B)*
Block 8666 Lot 42 *(Site C)*
Block 8667 Lot 1 *(Site D)*
Block 8773 Lot 1 *(Site E)*

Potential Development Sites
Block 8777 Lot 25 *(Site 1)*
Block 8771 Lot 8 *(Site 2)*
Block 8766 Lot 1 *(Site 4)*
Block 8596 Lot 33 *(Site 5)*
Block 8607 Lot 185 *(Site 6)*
Block 8607 Lot 180 *(Site 7)*
Block 8782 Lot 59 *(Site 8)*
Block 8782 Lot(s) 64, 71 *(Site 9)*
Block 8788 Lot 1 *(Site 10)*
Block 8790 Lot(s) 34, 31 *(Site11)*
Block 8791 Lot 34 *(Site 12)*
Block 8792 Lot 31 *(Site 13)*
Block 8795 Lot 14 *(Site 14)*
Block 8795 Lot 19 *(Site 15)*
Block 8812 Lot(s) 14, 15 *(Site 16)*

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 February 14, 2013, prepared in connection with the ULURP Application (No. 130188ZMQ). 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: February 15, 2013

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

Date: February 19, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission