CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

# REVISED NEGATIVE DECLARATION

Supercedes Negative Declaration issued on February 9, 2004

**Project Identification**
CEQR No. 04DCP011Q
ULURP Nos. N 140272 ZRQ Revised
C 040273 ZMQ Revised
SEQRA Classification: Type I

**Lead Agency**
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

**Name, Description and Location of Proposal:**

Hunters Point Subdistrict Rezoning:
The New York City Department of City Planning (NYCDCP) is proposing zoning map and text amendments for an area encompassing 11 whole and 31 partial blocks in the Hunters Point neighborhood located in Long Island City Community District 2, Queens. The rezoning area is generally between 44th Drive to the north, 23rd Street/Jackson Avenue/21st Street to the east, Borden Avenue/51st Avenue to the south, and 5th Street to the west.

The proposed action would affect the existing Hunters Point (HP) Subdistrict of the Special Long Island City Mixed Use District (LIC), and would expand the subdistrict to include 2 additional adjacent whole blocks and 11 partial blocks. The rezoning area lies mainly within an M1-4 District in HP, while the two whole and nine of the 11 partial blocks to be added are located in a typical M1-4 district. Other existing zoning districts include R6A/C1-5 (HP), R7A/C1-5 (HP), and R7A/C2-5 (HP), M1-6, and M3-1. With the proposed zoning map amendment, most of the expanded HP subdistrict would be mapped with mixed use districts. These include M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-5/R7X, M1-5/R8A, and R7X/C2-5. An R6B district would also be mapped in one area. The proposed zoning text amendments generally would replace the existing HP provisions in ZR 117-00 with the provisions for mixed-use development in ZR 123-00. Zoning text amendments are also proposed for the Queens Plaza Subdistrict and the Court Square Subdistrict of the LIC District, to make these sections consistent with other sections of the Zoning Resolution.

The proposed action requires City Planning Commission (CPC) and City Council approvals through the Uniform Land Use Review Procedure (ULURP).

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Compared to conditions absent the proposed action, the proposed action could result in approximately 300 dwelling units, -10,000 sf of commercial space, 10,500 sf of ground-floor retail space, and -48,135 square feet of community facility space by 2013. Sites expected to be developed as a result of the proposed action include 8 projected development sites and 27 potential development sites.

To avoid the potential for hazardous materials impacts, the proposed rezoning includes (E) designations for hazardous materials on all of the identified projected and potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Block 15, Lot 44
Block 16, Lots 1, 6, 39
Block 29, Lots 21, 22, 23
Block 30, Lots 5, 9, 16, 22, 29
Block 31, Lot 21
Block 32, Lots 20, 24, 28, 29, 31, 34
Block 33, Lots 9, 21, 24
Block 34, Lots 1, 14
Block 42, Lot 28
Block 45, Lot 28
Block 47, Lots 10, 21, 25, 28
Block 52, Lots 7, 8, 12
Block 54, Lot 20
Block 56, Lots 1, 51
Block 57, Lot 18
Block 62, Lot 46
Block 76, Lot 11
Block 438, Lot 6
Block 447, Lot 40

The (E) designation for hazardous materials would ensure that sampling and remediation take place where hazardous material contamination may exist and would avoid any significant impacts related to hazardous materials at these locations.

Contamination on (E) designated sites can be classified as "petroleum based" or "non-petroleum based." The NYCDEP has developed protocols for both petroleum and non-petroleum based (E) designated sites that are required to be followed in order to address possible contamination.

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

**(E) Designations for Petroleum Based Contamination**

**Leakage of underground storage tanks containing petroleum products requires a specific protocol and may contain parts of the near surface and subsurface protocols. To determine if contamination exists on the petroleum (E) designated sites, and to determine and perform any appropriate remediation, the following tasks must be undertaken by the fee owners of the lot restricted by this (E) designation prior to any demolition or excavation on the lot prior to development:**

- **Task 1 – The fee owner(s) of the lot restricted by this (E) designation must submit to the New York City Department of Environmental Protection (NYCDEP), for review and approval, a soil, soil gas, and ground water testing protocol, including a description of methods, and a site map with all sampling locations clearly and precisely represented.**

  **No sampling program should begin until written approval of a protocol is received from the NYCDEP. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by the NYCDEP upon request.**

- **Task 2 – A written report with findings and a summary of the data must be presented to the NYCDEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by the NYCDEP if the results indicate that remediation is necessary. Written notice shall be given by the NYCDEP if it determines that no remediation is necessary.**

If remediation is necessary according to the test results, a proposed remediation plan must be submitted to the NYCDEP for review and approval. The fee owner(s) of the lot restricted by the (E) designation must perform such remediation as determined necessary by the NYCDEP. After completing the remediation, the fee owner(s) of the lot restricted by this "E" designation should provide proof that the work has been satisfactorily completed.

**(E) Designations for Non-Petroleum Based Contamination**

**The non-petroleum based contamination protocol has been developed to address potential contamination from all other hazardous materials sources. The procedures in the non-petroleum based protocol are the same as the petroleum based protocol with the exception**

**of the parameters for which the soil and ground water should be tested. These parameters will vary from site to site depending upon the type of non-petroleum contamination expected to be encountered.**

**In general the following steps will be required for non-petroleum (E) designated sites:**

- **The owner of the property will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation including site plans and sampling locations. This scope of work will be submitted to the NYCDEP for review and approval prior to implementation. It will be reviewed to insure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground water sampling protocols should be followed. These protocols are based on the following three types of releases to soil and ground water that may occur: release of a solid hazardous material to the ground surface; release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release will define the areas of soil to be sampled (surface, near-surface or subsurface) and determine the need for ground water sampling.**

- **Upon receipt of written approval from the NYCDEP of the scope of work, the sampling program will be implemented. No site investigation work will be initiated without a Site Health and Safety Plan also approved by the NYCDEP.**

- **Once the site investigation is complete, a report fully documenting the procedures and findings of the report will be submitted to the NYCDEP for review and approval. If remediation is deemed necessary by the NYCDEP, the site owner will be required to develop a remediation plan and subsequently implement the plan to the satisfaction of the NYCDEP.**

- **Once the site investigation is complete, a report fully documenting the procedures and findings of the report will be submitted to the NYCDEP for review and approval. If remediation is deemed necessary by the NYCDEP, the site owner will be required to develop a remediation plan and subsequently implement the plan to the satisfaction of the NYCDEP.**

To avoid the potential for significant adverse air quality impacts from the HVAC emissions at the potential development site on Block 16, Lot 6, and from the HVAC emissions at the projected development site on Block 30, Lot 9, an (E) designation for air quality will be incorporated into the rezoning proposal. The text of the (E) designation is as follows:

**Block 16, Lot 6; Block 30, Lot 9:**

- **Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for HVAC systems.**

To avoid the potential for significant adverse air quality impacts from industrial source emissions on potential development sites, the proposed rezoning includes (E) designations for air quality. The proposed action would have the potential to result in significant adverse industrial source impacts at four potential development sites, as described below:

- Nickel emissions from Simba Award Inc. at 46044 11th Street (Block 47, Lot 21) would have an impact on the potential development site at 46-32 11th Street (Block 47, Lot 25 and 28), and the potential development site at 47-11 11th Street (Block 57, Lot 18);

- Particulate matter and nitric acid emissions from Mc Jewelry Corp. at 45020 11th Street (Block 50, Lot 21) would have an impact on the potential development site at 45-35 11th Street (Block 54, Lot 20); and

- Particulate matter, potassium hydroxide, silica (quartz and crystalline), rhodium sulfate and copper sulfate emissions from ALA Realty LLC at 21021 44th Drive (Block 434, Lot 13) would have an impact on the potential development site at 21-45 44th Drive (Block 438, Lot 6).

To preclude the potential for significant adverse air quality impacts from industrial sources at the above-locations, (E) designations for air quality will be incorporated into the rezoning proposal. The text of the (E) designations is as follows:

**Block 47, Lots 25 and 28; Block 57, Lot 18:**

- **If the nickel emissions identified above continue at Block 47, Lot 21, any new residential and/or commercial development, enlargement, or change of use on the above-referenced properties must have inoperable windows and may not include air intakes.**

**Block 54, Lot 20:**

- **If the particulate matter and nitric acid emissions identified above continue at Block 50, Lot 21, any new residential and/or commercial development, enlargement, or**

**change of use on the above-referenced property must have inoperable windows and may not include air intakes.**

<u>Block 438, Lot 6:</u>

- **If the particulate matter, potassium hydroxide, silica (quartz and crystalline), rhodium sulfate and copper sulfate emissions identified above continue at Block 438, Lot 13, any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must have inoperable windows and may not include air intakes.**

The procedures to be followed for satisfaction and removal of the (E) designation shall be as set forth in Section 11-15 of the Zoning Resolution.

**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 Technical Memorandum dated June 23, 2004 prepared in connection with the ULURP Application (ULURP Nos. C 040273 ZMQ Revised and N 040272 ZRQ Revised). 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 no 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 Glen A. Price III, Director of Studies Implementation at (212) 720-3491.

Robert Dobruskin — Date: 6/23/04

Robert Dobruskin, Director
Environmental Assessment & Review Division
Department of City Planning

Amanda M. Burden — Date: 6/23/04

Amanda M. Burden, AICP, Chair
City Planning Commission