



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, A.I.C.P., *Director*
Department of City Planning

November 1, 2004

John Young, Director
Department of City Planning, Queens Office
120-55 Queens Blvd., Rm 201
Kew Gardens, New York 11424

Re: **Kew Gardens-Richmond Hill Rezoning**
CEQR No. 05DCP029Q
ULURP No. 050153 ZMQ
Queens Community District 9

Dear Mr. Young:

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 has determined that the proposed action will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 05DCP029Q, Kew Gardens-Richmond Hill Rezoning, including supporting statements for the finding that the project will not have a significant effect on the environment. The applicant, the New York City Department of City Planning, is proposing amendments to the zoning map for 139 blocks in the Kew Gardens and Richmond Hills section of Queens Community District 9. The proposed zoning map amendments are as follows:

- R2 districts would be changed to R7-1, R5, R4-1 and R6B districts;
- an C4-4 district would be changed to an R5 district;
- R5 districts would be changed to R2, R4A, R6B, R4-1, R6A, R6, R4A, R7-1 and C4-4 districts;
- R4 Districts would be changed to R4-1 and R6 districts;
- R3-1 districts would be changed to R4, R4A, R4-1, R3X, R6B, R6A, R4A, R7-1, and C8-1 districts;
- R7-1 districts would be changed to R2, R4-1, R7A and R6B districts;

Robert Dobruskin, *Director*
James Merani, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495
rdobrus@planning.nyc.gov

Kew Gardens - Richmond Hill Rezoning

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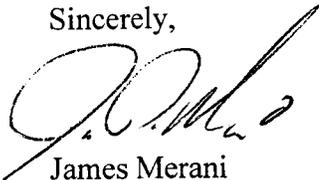
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- an M1-1 district would be changed to R4-1, R5, R6, R6A, R6A/C2-4 and R7-1 districts;
- an C8-1 District would be changed to R4, R6A, R6, R3-1, R6A/C2-4 and R7-1 Districts;
- an R5/C1-2 and R5/C2-2 district would be changed to R6A/C2-4;
- an R3-1/C1-2 and R5/C2-2 district would be changed to R6A/C2-4 ;
- C2-2 commercial overlays would be changed to C2-3 commercial overlays; and
- a new C2-3 commercial overlay is also proposed.

The Kew Gardens - Richmond Hill rezoning proposal would reinforce established neighborhood character and prevent out-of-character development by assigning new zoning designations that correlate with existing patterns of residential development. The proposed rezoning also addresses the need for new housing opportunities by mapping higher density residential districts along the Jamaica Avenue corridor and on the wide streets near the subway station in the southeast corner of the study area. The proposed contextual R6A district along Jamaica Avenue would unify the character of development on the commercial corridor.

Sites expected to be developed as a result of the proposed action include six projected development sites. There are twenty-one potential development sites that are considered less likely to be developed. Under existing zoning approximately 73,100 square feet of commercial floor area and no dwelling units would be developed by 2014. Under the proposed action, it is projected that when compared to the development that could occur in the future without the proposed action, an increase of approximately 148 dwelling units and a reduction of approximately 3,260 square feet of commercial floor area would be developed by 2014.

Sincerely,



James Merani

Environmental Assessment and Review Division
New York City Department of City Planning

c: Amanda Burden, A.I.C.P.
City Planning Commissioners
Hon. Helen Marshall, Queens Borough President
Queens Community Board 9
Gail Benjamin
Robert Kulikowski
Katherine Bucke
Pat Bussey
Robert Dobruskin
David Karnovsky
Laurence Parnes
Erika Sellke
Phil Sperling
Susan Wong



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

NEGATIVE DECLARATION

November 1, 2004

Project Identification

CEQR No. 05DCP029Q
ULURP No. 050153 ZMQ
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:

Kew Gardens - Richmond Hill Rezoning

The applicant, the New York City Department of City Planning, is proposing amendments to the zoning map for 139 blocks in the Kew Gardens and Richmond Hills section of Queens Community District 9. The proposed zoning map amendments are as follows:

- R2 districts would be changed to R7-1, R5, R4-1 and R6B districts;
- an C4-4 district would be changed to an R5 district;
- R5 districts would be changed to R2, R4A, R6B, R4-1, R6A, R6, R4A, R7-1 and C4-4 districts;
- R4 Districts would be changed to R4-1 and R6 districts;
- R3-1 districts would be changed to R4, R4A, R4-1, R3X, R6B, R6A, R4A, R7-1, and C8-1 districts;
- R7-1 districts would be changed to R2, R4-1, R7A and R6B districts;
- an M1-1 district would be changed to R4-1, R5, R6, R6A, R6A/C2-4 and R7-1 districts;
- an C8-1 District would be changed to R4, R6A, R6, R3-1, R6A/C2-4 and R7-1 Districts;
- an R5/C1-2 and R5/C2-2 district would be changed to R6A/C2-4;
- an R3-1/C1-2 and R5/C2-2 district would be changed to R6A/C2-4 ;
- C2-2 commercial overlays would be changed to C2-3 commercial overlays; and
- a new C2-3 commercial overlay is also proposed.

The Kew Gardens - Richmond Hill rezoning proposal would reinforce established neighborhood character and prevent out-of-character development by assigning new zoning designations that correlate with existing patterns of residential development. The proposed rezoning also addresses

Amanda M. Burden, AICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
nyc.gov/planning



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the need for new housing opportunities by mapping higher density residential districts along the Jamaica Avenue corridor and on the wide streets near the subway station in the southeast corner of the study area. The proposed contextual R6A district along Jamaica Avenue would unify the character of development on the commercial corridor.

Sites expected to be developed as a result of the proposed action include six projected development sites. There are twenty-one potential development sites that are considered less likely to be developed. Under existing zoning approximately 73,100 square feet of commercial floor area and no dwelling units would be developed by 2014. Under the proposed action, it is projected that when compared to the development that could occur in the future without the proposed action, an increase of approximately 148 dwelling units and a reduction of approximately 3,260 square feet of commercial floor area would be developed by 2014.

To avoid the potential for impacts related to air quality, the proposed rezoning includes (E) designations for air quality on two potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Block 9249, Lot 50
Block 9282, Lot 2

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

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

To avoid the potential for impacts related to noise, the proposed rezoning includes (E) designations for noise on the following potential development site. Accordingly, (E) designations will be mapped on the following parcel:

Block 9281, Lot 44

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 45 dB(A) window/wall attenuation 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 includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

To avoid the potential for impacts related to noise, the proposed rezoning includes (E) designations

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for noise on one projected and five potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Accordingly, (E) designations will be mapped on the following parcels:

Block 9249, Lot 65
Block 9281, Lots 9, 11, 16, 21, and 118
Block 9283, Lots 25, 26, 27, and 28
Block 9331, Lot 1 and 8
Block 9333, Lot 73

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 35 dB(A) window/wall attenuation 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 includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

To avoid the potential for impacts related to noise, the proposed rezoning includes (E) designations for noise on three potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Block 9332, Lots 30, 58 and 59
Block 9355, Lots 47 and 49

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 30 dB(A) window/wall attenuation 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 includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

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

Block 9249, Lot 50
Block 9250, Lots 45, 49, and 54
Block 9252, Lot 28

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Block 9275, Lots 58 and 65
Block 9281, Lots 9, 11, 16, 21, 44 and 118
Block 9282, Lot 2
Block 9283, Lots 25, 26, 27, and 28
Block 9284, Lot 50
Block 9285, Lot 40
Block 9299, Lot 76
Block 9301, Lot 5
Block 9302, Lot 6
Block 9303, Lot 6
Block 9331, Lots 1 and 8
Block 9333, Lot 73
Block 9621, Lot 28
Block 9622, Lot 26 and 32

The potential for contamination sites receiving (E) designation for hazardous materials can be classified as petroleum based, non-petroleum based, or both. 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 placement of the (E) designation on the zoning map would eliminate the potential for significant adverse impacts from hazardous materials and would ensure that appropriate testing and remediation, if needed, would be undertaken. The text of the (E) designation is as follows:

Due to the possible presence of hazardous materials on the aforementioned designated site there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform and appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

Task 1

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, 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 DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete

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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 DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot restricted by this (E) designation must perform such remediation as determined necessary by DEP. 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.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction 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 DEP for review and approval prior to implementation.

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 October 27, 2004, prepared in connection with the ULURP Application (050153 ZMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statements:

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.

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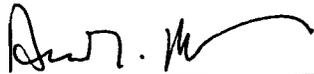
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Should you have any questions pertaining to this Negative Declaration, you may contact Katherine Bucke at (212) 720-3493.



James P. Merani, R.A., Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 10/29/04



Amanda Burden, AICP, Chair
City Planning Commission

Date: 11/1/04