



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

January 25, 2010

NEGATIVE DECLARATION

Project Identification

CEQR No. 10DCP019Q
ULURP Nos. N 100200 ZRY, 100199 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:

Astoria Rezoning

The Department of City Planning (DCP) is proposing to rezone approximately 890 acres (on 238 blocks) of the Astoria area of Queens Community District 1 to reinforce established development patterns and allow for a modest increase in residential and commercial density. The rezoning area is bounded by 20th Avenue on the north, Steinway Street on the east, Broadway on the south, and Vernon Boulevard, 8th Street, 14th Street, and the East River on the west, and it encompasses 177 full and 61 partial blocks (for a total of 8,563 lots). The proposed actions would also make the Inclusionary Housing Program applicable in certain districts in select portions of the rezoning area. The specific actions are comprised of two components:

Zoning Map Amendment: to change approximately 890 acres of land currently zoned R4, R5, R6, and R6B to R4, R4B, R4-1, R5, R5B, R5D, R6A, R6B, R7A, C4-3, C4-2A, and C4-4A to reinforce established development patterns and to update commercial overlay districts in the rezoning area by reducing overlay depth or eliminating overlays where only residential uses exist and creating new C1-3, C2-3, and C1-4 districts to reflect existing commercial use patterns. This action would result in a modest increase in residential and commercial density.

Zoning Text Amendment: to revise Section 23-144 of the NYC Zoning Resolution (ZR) to make the Inclusionary Housing Program applicable in R7A Districts proposed to be mapped on 21st Street between 28th Avenue and Broadway and on Vernon Boulevard between Welling Court and 31st Drive and in a C4-4A district proposed to be mapped on block fronts at the

intersection of Newtown Avenue and 31st Street.

The rezoning study was initiated by DCP following community concerns that the current zoning in the rezoning area does not adequately provide for orderly growth that reinforces Astoria's established scale and building patterns. Out-of-scale towers, disruption of front yard and street wall continuity, and encroachment of commercial uses on residential side streets threaten to undermine the character of the area. In addition prime corridors are not distinguished from residential side streets in the current zoning patterns, and as a result, recent development has not strengthened the established mixed-use areas of the neighborhood.

The proposed rezoning strategy addresses concerns about recent development through the use of newer contextual zoning designations to more closely reflect residential building types and development patterns that characterize the neighborhood on a block-by-block basis. The proposed contextual zoning is intended to preserve the scale and character of Astoria's blocks and ensure that future residential development would be more consistent with the surrounding neighborhood's building patterns.

The proposed rezoning also provides opportunities for moderate growth. Proposed R5D, R6A, R7A, C4-2A, C4-3, and C4-4A districts would encourage new mixed-used, moderate-density development along some of the area's wider streets, commercial corridors and at sites close to transit hubs. An Inclusionary Housing zoning bonus would be applied in targeted growth areas to provide incentives for the construction or preservation of affordable housing units.

The modifications to the commercial overlay districts are intended to prevent encroachment of commercial uses on residential blocks, make parking requirements more appropriate, and create new districts that would reflect existing commercial uses and provide new business location opportunities.

The proposed actions is projected to result in development on 18 sites with a net increase of 419 dwelling units, 146 units of which would be affordable under the Inclusionary Housing program, a net increase of 87,278 square feet of commercial space, a net decrease of 34,283 square feet of community facility space, and a net increase of 356 accessory parking spaces. In addition to these 18 projected development sites, 46 potential development sites have been identified within the rezoning area. The analysis year for the proposed action is 2019.

To avoid any potential impacts associated with hazardous materials and air quality, as part of the proposed rezoning, an (E) designation (E-245) would be mapped.

As part of the proposed rezoning, an (E) designation for hazardous materials will be placed on all projected and potential development sites:

<u>Block</u>	<u>Lots</u>	<u>Block</u>	<u>Lots</u>
Block 503	Lots 1, 3, 41, 48	Block 551	Lots 17, 19
Block 504	Lots 3, 21	Block 535	Lots 46, 51
Block 506	Lot 29	Block 538	Lot 46
Block 533	Lots 1, 45	Block 872	Lots 9, 11

Block 649	Lots 3, 5	Block 646	Lot 34
Block 595	Lots 19, 26, 27	Block 647	Lot 30
Block 809	Lot 35	Block 586	Lot 35
Block 837	Lots 9, 50, 52	Block 617	Lot 8
Block 844	Lots 40, 42, 45, 46, 49, 52, 59, 60, 67, 146	Block 654	Lots 59, 60, 160
Block 831	Lots 1, 11, 20, 25, 27, 29	Block 793	Lots 26, 42, 73
Block 855	Lots 1, 3	Block 803	Lot 60
Block 835	Lots 4, 27	Block 805	Lots 32, 36
Block 505	Lot 14	Block 808	Lot 1
Block 502	Lots 5, 7, 9, 19, 22, 23, 46	Block 797	Lot 10
Block 537	Lot 43	Block 799	Lots 15, 24
Block 550	Lot 7	Block 809	Lot 45
Block 567	Lots 1, 5	Block 840	Lots 52, 53
Block 580	Lot 20	Block 842	Lots 71, 83
Block 579	Lots 1, 5	Block 833	Lots 1, 2, 3, 18, 19, 23, 32, 123
		Block 846	Lots 53, 67

Development of a site with an (E) designation would require that a Phase I Environmental Site Assessment in accordance with the American Society of Testing Materials (ASTM) E1527-05 be conducted, and if necessary, a sampling and remediation protocol be developed and implemented to the satisfaction of New York City Department of Environmental Protection (DEP) prior to issuance of a building permit (pursuant to Section 11-15 of the City's Zoning Resolution). Such designation would eliminate the potential for significant adverse impacts from hazardous materials due to implementation of the proposed project.

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

Task 1

The fee owner(s) of the lot(s) 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 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(s) 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.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

<u>Block</u>	<u>Lots</u>
Block 502	Lots 5, 7, 9, 19, 22, 23, 46
Block 503	Lots 1, 3, 41, 48
Block 535	Lots 46, 51
Block 550	Lot 7
Block 567	Lots 1, 5
Block 831	Lots 1, 11, 20, 25, 27, 29
Block 844	Lots 49, 52, 59, 60

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

- **Block 503, Lot 41 (Projected Development Site 101): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet if fuel oil No. 4/2 from the lot line facing 31st Avenue or use natural gas as the type of fuel for ^{sp}ace heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

- **Block 535, Lot 51 (Projected Development Site 107): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 25 feet for oil No.4/2 from the lot line facing 30th Road or 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 535, Lot 46 (Projected Development Site 108): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 18 feet for oil No.4/2 from the lot line facing 30th Drive or 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 831, Lots 20 (Projected Development Site 119): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 18 feet for oil No.4/2 from the lot line facing 21st Avenue or 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 855, Lots 3 (Projected Development Site 121): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 15 feet for oil No.4/2 from the lot line facing Ditmars Boulevard or 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 502, Lots 5, 7, 19, 22, and 46 (Potential Development Site 2): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 27 feet for oil No.4/2 from the lot line facing Vernon Boulevard and 31st Drive and at least 33 feet from the lot line facing 12th Street or 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 502, Lot 9 (Potential Development Site 3): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 18 feet for oil No.4/2 from the lot line facing 12th Street and Broadway or 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 502, Lot 23 (Potential Development Site 4): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 12 feet for oil No.4/2 from the lot line facing Vernon Boulevard or 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 503, Lots 1, 3 (Potential Development Site 5): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 18 feet for oil No.4/2 from the lot line facing 12th Street or 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 503, Lot 48 (Potential Development Site 6): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 18 feet for oil No.4/2 from the lot line facing Vernon Boulevard and at least 24 feet from the lot line facing 31st Avenue or 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 550, Lot 7 (Potential Development Site 8): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 29 feet for oil No.4/2 from the lot line facing 30th Drive or 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 567, Lot 5 (Potential Development Site 13): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 12 feet for oil No.4/2 from the lot line facing Crescent Street or 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 567, Lot 1 (Potential Development Site 14): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 12 feet for oil No.4/2 from the lot line facing 23rd Street or 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 844, Lot 60 (Potential Development Site 39): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 13 feet for oil No.4/2 from the lot line facing Ditmars Boulevard or 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 844, Lot 59 (Potential Development Site 40): Any new residential and/or commercial development on the above-referenced properties must ensure**

that the heating, ventilating and air conditioning stack(s) are located at least 13 feet for oil No.4/2 from the lot line facing 23rd Avenue or 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 844, Lot 52 (Potential Development Site 41): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 15 feet for oil No.4/2 from the lot line facing Ditmars Boulevard or 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 844, Lot 49 (Potential Development Site 42): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 12 feet for oil No.4/2 from the lot line facing 23rd Avenue or 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 831, Lot 1 (Potential Development Site 49): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 23 feet for oil No.4/2 from the lot line facing 21st Avenue or 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 831, Lots 25, 27, 29 (Potential Development Site 50): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 20 feet for oil No.4/2 from the lot line facing Ditmars Boulevard or 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.**

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 January 22, 2010, prepared in connection with the ULURP Applications (N 100200 ZRY & 100199 ZMQ). 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 hazardous materials would ensure that the proposed actions would not result in significant adverse impacts due to hazardous materials.

2. The (E) designations for air quality would ensure that the proposed actions would not result in significant adverse impacts due to air quality.
3. No other significant adverse 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 Diane McCarthy at (212) 720-3417.



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

Date: January 22, 2010



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: January 25, 2010