E-253

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

# NEGATIVE DECLARATION

May 24, 2010

**Project Identification**
CEQR No. 10DCP037Q
ULURP No. 100409ZMQ
SEQRA Classification: Type I

**Lead Agency**
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin

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

**Auburndale – Oakland Gardens – Hollis Hills Rezoning**
The proposal involves an application by the New York City Department of City Planning for an amendment of the Zoning Map to rezone approximately 2,200 acres (on 418 blocks) of the northeast Queens neighborhoods of Auburndale, Oakland Gardens and Hollis Hills. The rezoning area is divided into two distinct sub-areas. The Auburndale Sub-Area is generally bounded by Station Road to the north, the Long Island Expressway to the south, 156th Street to the west and the Clearview Expressway to the East. The Oakland Gardens – Hollis Hills Sub-Area is generally bound by the Long Island Expressway to the north, the Clearview Expressway to the West, Alley Pond Park to the East and the Grand Central Parkway to the south. The project area is currently developed with lower density residential and light commercial uses. The proposed amendment is intended to protect and reinforce the area's predominantly lower density, one- and two-family character and ensure that future residential development reflects the context of surrounding neighborhood portions. The rezoning area is located within Queens Community Districts 7, 8, and 11.

The proposed zoning map amendment would consist of three components: first, to rezone 413 blocks from R1-2, R2, R3-1, R3-2, R4 and R5 to lower-density or contextual zoning districts R1-2A, R2A, R3-1, R3X, R4, R4-1 and R4B; second, to rezone 5 blocks and 5 partial blocks from R3-2, R3-2/C1-2 , R4, and R4/C1-2 to R5D and R5D/C1-2 districts to control the scale of future residential and mixed-use development; and third, to rezone existing C1-2 and C2-2 commercial overlay districts to C1-2 and C1-3, limit depths of commercial overlays, and eliminate certain C1-2 overlay districts where residential uses exist.

The proposed action is intended to ensure that the configuration and density of new housing development is consistent with the area's existing patterns of development. The only areas projected for additional development under the action are the areas where the rezoning is changing from R4 to R5D and from R3-2/C1-2 to R5D/C1-2, along Union

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Turnpike & Springfield Boulevard and along Bell Boulevard & 73 Avenue.

There are three projected, and five potential development sites. In total, the rezoning in the Oakland Gardens-Hollis Hills Sub-Area could result in a net increase of 163,780 square feet of residential space (116 dwelling units) and a net decrease of 3,807 square feet of commercial space. The analysis year for the proposed action is 2020.

The proposed rezoning includes (E) designations on selected development sites in order to preclude future hazardous materials, air quality and noise impacts which could occur as a result of the proposed action. The E-designation number is E-253.

To avoid any potential impacts associated with hazardous materials, as part of the proposed rezoning, an (E) designation for hazardous materials will be placed on the following properties:

| Block | Lots |
|---|---|
| 7780 | 1 |
| 7842 | 12 |
| 7798 | 1 |
| 7799 | 1, 8 |
| 7912 | 24, 30 |

The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text for the (E) designation will be as follows:

**Task 1-Sampling Protocol**

**A. Petroleum**

**A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.**

**A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.**

**B. Non-Petroleum**

**The fee owner(s) of the lot restricted by this (E) designation 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 NYCDEP 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. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.**
**A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.**

**For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.**

**The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.**

**The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the 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 defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.**

**A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.**

**Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.**

**<u>Task 2-Remediation Determination and Protocol</u>**

**After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.**

**If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.**

With the placement of the (E) designations on the above block and lots, no impacts related to hazardous materials are anticipated.

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:

Block 7732, Lot 150
Block 7748, Lot 400
Block 7798, Lot 1
Block 7799, Lots 1, 8

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

<u>Block 7732, Lot 150 (Projected Development Site 1)</u>
**Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.**

<u>Block 7748, Lot 400 (Projected Development Site 2)</u>
**Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.**

<u>Block 7798, Lot 1 (Potential Development Site B)</u>
**Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.**

<u>Block 7799, Lot 1 (Potential Development Site C)</u>
**Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.**

Block 7799, Lot 8 (Potential Development Site D)
**Any new residential development on the above-referenced property must use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.**

With the placement of the (E) designations on the above blocks and lots, no impacts related to stationary source air quality are expected.

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

Block 7780, Lot 1
Block 7798, Lot 1
Block 7799, Lots 1, 8
Block 7842, Lot 12
Block 7912, Lot 24, 30

The text for the (E) designations 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 on all facades 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.**

With the placement of the (E) designation for noise, no impacts related to noise are expected and no further analysis is warranted.

**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 May 21, 2010, prepared in connection with the ULURP Application (ULURP number N 100409ZMQ). 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 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 Devesh Doobay at (212) 720-3419.

Celeste Evans

Date: May 21, 2010

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

Date: May 24, 2010

Amanda M. Burden, FAICP, Chair
City Planning Commission