

E-266



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

November 29, 2010

## NEGATIVE DECLARATION

### **Project Identification**

CEQR No. 11DCP041Q  
ULURP Nos. 110145ZMQ, N110146ZRQ  
SEQRA Classification: Type I

### **Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
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### **Name, Description and Location of Proposal**

#### **South Jamaica Rezoning**

The applicant, the NYC Department of City Planning, is proposing to rezone approximately 530 blocks in the South Jamaica and Springfield Gardens neighborhoods of Queens, Community District 12. The proposed action would also include an amendment to the Zoning Text to extend the applicable area of the "Food Retail Expansion to Support Health" (FRESH) program to Community District 12's commercial corridors. The rezoning area is generally bounded by Liberty Avenue, 108th Avenue and South Road to the north, Merrick Boulevard, Nellis Street and Springfield Boulevard to the east, the Southern State/Belt Parkway to the south and Van Wyck Expressway to the west.

The proposed action consists of four components:

- 1) Lower-density Contextual Rezoning: Rezoning of all or portions of 528 blocks from R2, R3-2, R4, C8-1 and M1-1 to lower-density or lower density contextual zoning districts R2, R3-1, R3-2, R3A, R3X, R4-1, and R4A to better reflect the existing lower density contexts.
- 2) Medium-density Contextual Rezoning: Rezoning of all or portions of 108 blocks from R3-2, R3A, R4, R4B and C8-1 to R5, R5B, and R5D to reflect existing land use patterns and allow for moderate-density increases along the area's wide streets.
- 3) Commercial Overlay Modifications: Elimination or reduction of the depths of C1-2 and C2-2 commercial overlays, where appropriate, to prevent commercial intrusion onto residential blocks. Introduction of C1-2, C1-3 and C2-3 commercial overlays where appropriate to reflect current land uses, and reinforce the character of the area's wide streets. The proposed actions are intended to protect the predominant lower density character of the area while allowing for a moderate increase in residential and commercial density along the area's main corridors, including Rockaway, Sutphin and Merrick Boulevards. Updates to commercially zoned districts within the rezoning area are also proposed to reflect existing land use patterns, provide new residential and retail opportunities and improve and reinforce the character of the area's wide streets.

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- 4) Zoning Text Amendment: Extension of the “Food Retail Expansion to Support Health” (FRESH) zoning incentives to all C1 and C2 districts throughout Queens Community District 12 (except where excluded in Article VI, Chapter 3 of the Zoning Resolution). The text amendment also applies the provisions of the Zoning Resolution Section 11-15 (Environmental Requirements), governing (E) designations, to one development site outside of the rezoning area.

In order to assess the impacts associated with the proposed action, a Reasonable Worst-Case Development Scenario was established. In total, 16 projected development sites and 32 potential development sites were identified. The projected development sites are considered more likely to be developed within the ten-year analysis period. Potential sites are considered less likely to be developed over the same period. The incremental difference between the future with-action and the future no-action for all projected development sites is as follows:

- An increase of 293 dwelling units;
- An increase of 122,755 sq ft of retail space (including two FRESH supermarket grocery stores);
- An decrease of 9,487 sq ft of office space; and
- An increase of 9,810 sq ft of community facility space.

Absent the proposed action, 13 of the 16 projected development sites are expected to be developed with a total of 69 dwelling units, 44,239 sq ft of retail space, 13,616 sq ft of office space, and 5,510 sq ft of community facility space.

The build year for the proposed action is 2020.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation has been incorporated into the proposed action, as described below.

The (E) designation requirements related to air quality would apply to the following development site:

**Block Lot(s)**  
**12666 1, 103, 104, 105, 106, 107, 108, 109, 110 (Projected Development Site 1)**

The text for the (E) designation related to air quality is as follows:

**Any new residential and/or commercial 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.**

The (E) designation requirements related to noise specify 33 dBA of window/wall attenuation for some sites and 31 dBA of window/wall attenuation for others.

33 dBA of window/wall attenuation would apply to the following development sites:

**Block Lot(s)**  
**12516 45 (Projected Development Site 4)**  
**12392 43, 54, 58 (Potential Development Site 116)**  
**12480 9 (Potential Development Site 131)**

The text for the (E) designation related to noise (33 dBA of window/wall attenuation) 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 on 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 includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.**

31 dBA of window/wall attenuation would apply to the following development sites:

<b><u>Block</u></b>	<b><u>Lot(s)</u></b>	
12489	1, 4, 45	(Potential Development Site 132)
12490	1	(Potential Development Site 133)

The text for the (E) designation related to noise (31 dBA of window/wall attenuation) 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 on 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 includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.**

The (E) designation requirements related to hazardous materials would apply to the following development sites:

<b><u>Block</u></b>	<b><u>Lot (s)</u></b>		<b><u>Block</u></b>	<b><u>Lot (s)</u></b>	
12666	1,103,104,105,106, 107,108,109, 110	(Projected Development Site 1)	12008	34	(Potential Development Site 105)
12516	45	(Projected Development Site 4)	12142	1, 5	(Potential Development Site 110)
12515	14, 18	(Projected Development Site 5)	12390	121	(Potential Development Site 113)
12153	1, 9	(Projected Development Site 8)	12392	54, 58	(Potential Development Site 116)
12188	1	(Projected Development Site 9)	12483	2, 51	(Potential Development Site 117)
12022	13	(Projected Development Site 10)	12541	50, 52, 55	(Potential Development Site 119)
12212	1	(Projected Development Site 11)	12983	26, 27, 28	(Potential Development Site 120)
12059	34(A), 34(B), 70	(Projected Development Site 14)	12983	31	(Potential Development Site 121)
9898	1, 117	(Projected Development Site 15)	12983	46, 50	(Potential Development Site 122)
12059	24	(Potential Development Site 101)	12392	19, 22	(Potential Development Site 124)
12048	77	(Potential Development Site 102)	12022	23	(Potential Development Site 127)
			12490	1	(Potential Development Site 133)

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

**Task 1**

The fee owner of the lots restricted by this (E) designation will be required to prepare a scope of work for soil and groundwater sampling and testing to determine whether contamination exists and, if so, the extent of the contamination and the nature and extent of required remediation. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. The scope of work will be submitted to DEP for review and approval prior to implementation, 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 sampling sites should be selected to adequately characterize the type and extent of any 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 the choice of sampling sites, sampling procedures, and tests to be performed will be provided by DEP upon request.

**Task 2**

A written report with findings and a summary of the data must be submitted to DEP after completion of the testing phase and laboratory analysis for review and approval. After reviewing the test results, DEP will determine whether the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, the agency will give written notice.

If DEP determines that remediation is necessary, a proposed remediation plan will be prepared and submitted to DEP for its review and approval. The fee owner of the lots restricted by the (E) designation must perform such remediation as determined by DEP to be necessary. After completing the remediation, the fee owner should provide DEP with proof that the work has been completed satisfactorily. Once DEP determines that the required remediation has indeed been completed satisfactorily, the agency will give written notice.

A DEP-approved construction-related health and safety plan (HASP) 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. The HASP must be submitted to DEP for review and approval prior to implementation.

**Statement of No Significant Effect:**

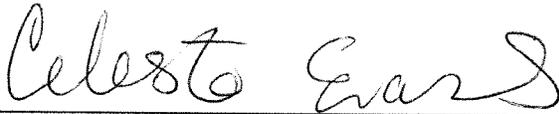
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated November 24, 2010 prepared in connection with the ULURP Application (Nos. 110145ZMQ, N110146ZRQ). 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 action would not result in significant adverse impacts.
2. 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.



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

Date: November 24, 2010



Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: November 29, 2010

