



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

June 3, 2019

REVISED CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 18DCP188Q
ULURP Nos. 190203ZRQ, 190202ZMQ
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Olga Abinader
(212) 720-3493

Name, Description and Location of Proposal

Kissena Center Rezoning

The applicant, Kimco Kissena Center, LLC, is requesting a zoning map amendment and a zoning text amendment (collectively, the “Proposed Actions”) from the New York City Planning Commission (CPC) in order to rezone an area around the proposed project (Block 5208, Lot 45), including Block 5200, Lots 39, 49, 50 and p/o 151; and Block 5208, Lots 1, 5, and 45 (collectively the “rezoning area”). Per CPC modifications overriding the previous application, the rezoning area is proposed to be rezoned from R3-2 and R3-2/C2-2 to R6A and R6A/C2-3, and will be designated a Mandatory Inclusionary Housing Area (MIHA). The Proposed Actions would facilitate the construction of a seven-story mixed-use development on Block 5208 Lot 45. The new building would contain approximately 188,515 gross square-feet (gsf) dedicated to residential uses; approximately 53,733 gsf of ground-floor commercial use; approximately 15,104 gsf of second-floor community facility use; and two below-grade levels of parking that would provide approximately 291 spaces accessory to the residential, commercial, and community facility uses. The residential floor area would be comprised of approximately 189 dwelling units (DUs) and 25 to 30 percent of the residential floor area (up to approximately 57 DUs) would be designated as affordable per MIH regulations. The analysis year for the Proposed Actions is 2021.

To avoid the potential for significant adverse impacts, an (E) designation (E-514) for air quality, hazardous materials, and noise will be placed on Block 5208, Lots 1, 5, 45 and Block 5200 Lots 49 and 50, as part of the Proposed Actions.

The (E) designation text related to hazardous materials is as follows:

Task 1

The applicant submits to OER, for review and approval, a Phase 1 ESA for the Project Site along with a soil, soil gas and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER. If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed. An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and 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 OER for review and approval prior to implementation. All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. In addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

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

Block 5208 Lot 45

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions not to exceed 30 ppm. Fossil fuel-fired heating and hot water exhaust stacks must be located at least 88 feet above grade, and at a distance of no more than 182 feet from the southeastern lot line facing Laburnum Avenue.

Block 5208 Lots 1 & 5

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions not to exceed 30 ppm. Fossil fuel-fired heating and hot water

exhaust stack(s) are located at least 83 feet above grade, and at a distance of at least 67 feet from the southeastern lot line facing Laburnum Avenue.

Block 5200 Lots 49 & 50

Any fossil fuel-fired heating and hot water equipment in any new development on the above-referenced property must use only natural gas and be fitted with low NOx burners with NOx emissions not to exceed 30 ppm. Fossil fuel-fired heating and hot water exhaust stacks must be located at least 80 feet above grade.

The (E) designation text related to noise is as follows:

To ensure an acceptable interior noise environment, future development at Block 5208, Lots 1, 5, and 45, and Block 5200, Lots 39 and 50, must provide a minimum attenuation shown in Table M-8 of the Kissena Center January 2019 EAS to ensure an interior L10 noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition in these areas, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

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 revised Environmental Assessment Statement, dated May 2019, prepared in connection with the ULURP Application (Nos. 190203ZRQ, 190202ZMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. Declarant agrees, at Declarant's expense, to perform the following PCRE in consultation with DOT:
 - a. Install a new traffic signal at the intersection of Kissena Boulevard and Kalmia Avenue/Site driveway.
2. Declarant agrees, at Declarant's expense, to perform the following mitigation measures, at the specified locations, and that such measures shall be in consultation with DOT (the "Traffic Mitigation Measures"):
 - a. Kissena Boulevard and 45th Avenue
 - i. Install a "No Standing 7 AM to 7 PM Monday through Friday" regulation along the north curb of the westbound approach for 100 feet.
 - ii. During the weekday AM and PM peak periods, shift 2 seconds of green time from the westbound phase to the northbound/southbound phase; the lead pedestrian interval phase would remain the same.
 - b. Kissena Boulevard and Holly Avenue (south):
 - i. During the weekday AM peak period – shift 3 seconds of green time from the westbound phase to the northbound/southbound phase.

- ii. If the easement along Holly Avenue is not realized, modify the signal timing during the weekday midday and Saturday peak periods – shift 1 second of green time from the westbound phase to the northbound/southbound phase.
- c. Kissena Boulevard and Juniper Avenue:
 - i. Modify the signal timing during the weekday AM and Saturday peak periods. During the weekday AM peak period, shift 4 seconds of green time from the pedestrian phase to the northbound/southbound phase. During the Saturday peak period, shift 2 seconds of green time from the pedestrian phase to the northbound/southbound phase.
 - ii. If the easement along Holly Avenue is not realized, modify the signal timing during weekday PM peak period – shift 1 second of green time from the pedestrian phase to the northbound/southbound phase.
- ci. Kissena Boulevard and Booth Memorial Avenue:
 - i. Install “No Standing 7 am - 7 pm Except Sunday” regulations along the north curb of the west-bound approach for 175 feet.
 - ii. Modify the signal timing during the weekday AM, midday, PM, and Saturday peak periods – shift 2 second of green time from the eastbound/westbound phase to the southbound lead phase; the northbound/southbound phase remains the same.
 - iii. Restripe the westbound approach from one 10-foot-wide left-turn lane and one 20-footwide through-right lane with parking to one 10-foot-wide left-turn lane, 10-foot-wide through lane, and one 10-foot-wide parking lane which serves as a right-turn lane during specific periods.

Supporting Statement:


The above determination is based on an environmental assessment which finds that:

1. The applicant will enter into a Restrictive Declaration to ensure the implementation of project components relating to construction (transportation) which would avoid the potential for any significant adverse impacts related thereto.
2. The (E) designation for hazardous materials, air quality, and noise would ensure that the proposed action would not result in significant adverse impacts.
3. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.



Signature of Applicant or Authorized Representative

Date: 05/31/2019

KIMCO KISSENA CENTER, LLC
NICHOLAS BROWN

Name of Applicant or Authorized Representative

Date: 05/31/2019



Olga Abinader, Acting Director
Environmental Assessment and Review Division
Department of City Planning

Date: 05/31/2019

Marisa Lago, Chair
City Planning Commission

Date: 06/03/2019