



## CITY PLANNING COMMISSION

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September 24, 2008/Calendar No. 13

C 080381 ZMQ

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**IN THE MATTER OF** an application submitted by the Economic Development Corporation and the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10a and 10b:

1. changing from an R3-2 District to a C4-4 District property bounded by Northern Boulevard, the westerly line of a westerly service entrance of Van Wyck Expressway Extension, the southeasterly street line of a service entrance, the southeasterly street line of Willets Point Boulevard, the northeasterly centerline prolongation of 34<sup>th</sup> Avenue, Willets Point Boulevard, and a southerly service exit of Northern Boulevard;
2. changing from an M3-1 District to a C4-4 District property bounded by Northern Boulevard, a southerly service exit of Northern Boulevard, Willets Point Boulevard, the northeasterly centerline prolongation of 34<sup>th</sup> Avenue, the southeasterly street line of Willets Point Boulevard, the southeasterly street line of a service entrance, the westerly boundary line of a park, a line 1280 feet northwesterly of Roosevelt Avenue, a line 540 feet northwesterly of a U.S. Pierhead and Bulkhead Line, Roosevelt Avenue, and 126<sup>th</sup> Street; and
3. establishing a Special Willets Point District (“WP”) bounded by Northern Boulevard, a westerly service entrance of Van Wyck Expressway Extension, the westerly boundary line of a park, a line 1280 feet northwesterly of Roosevelt Avenue, a line 540 feet northwesterly of a U.S. Pierhead and Bulkhead Line, Roosevelt Avenue, and 126<sup>th</sup> Street;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only), dated April 21, 2008, and subject to the conditions of CEQR Declaration E-214.

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The application for an amendment of the Zoning Map was filed by the Economic Development Corporation and the Department of Housing Preservation and Development on April 16, 2008 as part of the Willets Point Development Plan, a comprehensive planning, zoning and

redevelopment strategy aimed at transforming a largely underutilized 61-acre site with substandard conditions and substantial environmental degradation into a lively, mixed-use, sustainable community and regional destination.

## **RELATED ACTIONS**

In addition to this application (C 080381 ZMQ) for the amendment of the Zoning Map which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- |                     |  |
|---------------------|--|
| <b>N 080382ZRQ</b>  | Amendment to the Zoning Resolution   |
| <b>N 080383 HGQ</b> | Designation of the Willets Point Urban Renewal Area  |
| <b>C 080384 HUQ</b> | The Willets Point Urban Renewal Plan   |
| <b>C 080385 HDQ</b> | Disposition of Property within the Willets Point Urban Renewal Area  |
| <b>C 080221 MMQ</b> | Amendment to the City Map for the elimination, discontinuance and closing of all streets within the Willets Point Urban Renewal Area including Willets Point Boulevard; 34th Avenue; 35th Avenue; 36th Avenue; 37th Avenue; 38th Avenue; 39th Avenue; 126th Place; 127th Street and 127th Place. |

## **BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for an amendment to the Zoning Resolution (N 080382 ZRQ).

## **ENVIRONMENTAL REVIEW**

This application (C 080381 ZMQ), in conjunction with the applications for the related actions (N 080382 ZRQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ, C 080221 MMQ,) were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07DME014Q. The lead agency is the Office of the Deputy Mayor for Economic Development.

A summary of the environmental review, including the Final Generic Environmental Impact Statement (FGEIS) dated September 12, 2008 appears in the report on the related application for an amendment to the Zoning Resolution (N 080382 ZRQ).

### **(E) Designations**

As part of the zoning map amendment, (E) designations would be mapped for hazardous materials, air quality, and noise. (E) designations are applied to properties that could require remediation or other measures, should an owner want to demolish, excavate, or otherwise construct on his or her property. As set forth in the FGEIS, (E) designations for hazardous materials, air quality and noise would be mapped as part of the proposed rezoning, as detailed below. A complete list of properties requiring (E) designations for hazardous materials, air quality and noise is included in the FGEIS and attached hereto as “Attachment A.”

### Hazardous Materials

Contamination in the subsurface within the district has been identified through Phase II ESAs. This contamination is likely to be related primarily to the automotive-related businesses located throughout the District. Additionally, asbestos-, LBP-, and PCB-containing equipment are likely to be present inside buildings throughout the area. With the implementation of a variety of measures described in the FGEIS, however, no significant adverse impacts related to hazardous materials would be expected to occur as a result of construction or operation of the proposed Plan.

To ensure that these measures would be implemented and avoid any potential impacts associated with hazardous materials, an (E) designation for hazardous materials would be placed on all privately-owned lots in the rezoning area. The (E) designation would require that, prior to the New York City Department of Buildings (DOB) issuing permits associated with the redevelopment, the property owner conduct Phase I and Phase II ESAs, and remediation where appropriate, to the satisfaction of the New York City Department of Environmental Protection (DEP) pursuant to Section 11-15 of the Zoning Resolution. The (E) designation also requires mandatory construction-related health and safety plans (HASPs), which must also be approved by DEP. As properties are acquired by the City, it is anticipated that a Restrictive Declaration would be placed on them, which would supersede the (E) designation, but require implementation of the same measures.

#### Air Quality

Air quality analyses for heating, ventilation, and air conditioning (HVAC) systems were performed for the FGEIS; based on the results of the conservative HVAC screening analysis, (E) designations would be placed on all lots within the district. As properties are acquired by the City, it is anticipated that a Restrictive Declaration would supersede the (E) designation, but require implementation of the same measures regarding fuel use and the placement of HVAC exhaust stacks.

#### Noise

The *CEQR Technical Manual* has set noise attenuation requirements for buildings, based on exterior noise levels. Recommended noise attenuation values for buildings, which are based on exterior  $L_{10(1)}$  noise levels, are designed to maintain interior noise levels of 45 dBA or lower for residential use and 50 dBA or lower for commercial use.

To achieve 25 dBA of building attenuation, double-glazed windows with good sealing properties as well as an alternate means of ventilation, such as well-sealed window air conditioning, would be necessary; to achieve 30 dBA of building attenuation, double-glazed windows with good sealing properties as well as alternate means of ventilation, such as well-sealed through-the-wall

air conditioning, would be necessary; and, to achieve 35 dBA of building attenuation, double-glazed windows with good sealing properties as well as alternate ventilation, such as central air conditioning, would be necessary; and to achieve 40 dBA of building attenuation or more, special design features which go beyond the normal double-glazed window and central air condition would be necessary, which may include using specially designed windows (e.g., small-size windows, windows with air gaps, windows with thicker glazing, etc.), and additional building insulation.

Buildings that are part of the proposed Plan would be required to provide either a minimum of 35 dBA attenuation, or to provide noise analyses which show that sufficient building attenuation would be provided to satisfy CEQR building attenuation requirements. It is expected that (E) designations would be placed on the appropriate blocks and lots to ensure that these building attenuation requirements are met. As properties are acquired by the City, it is anticipated that Restrictive Declarations would be placed on them, which would supersede the (E) designation, but require implementation of the same measures.

## **UNIFORM LAND USE REVIEW**

This application (C 080381 ZMQ), in conjunction with the applications for the related actions (C 080384 HUQ, C 080385 HDQ and C 080221 MMQ), was certified as complete by the Department of City Planning on April 21, 2008, and was duly referred to Community Board 7 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP applications (N 080382 ZRQ) and (N 080383 HGQ) which were referred for information and review.

### **Community Board Public Hearing**

Community Board 7 held a public hearing on June 30, 2008 on this application (C 080381 ZMQ), and the related applications (N 080832 ZRQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ and C 080221 MMQ) and on July 1, 2008, by a vote of 21 to 15 with 2 abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of Community Board 7's recommendation appears in the report on the related application for an amendment to the Zoning Resolution (N 080382 ZRQ).

### **Borough President Recommendation**

This application (C 080381 ZMQ) and the related applications (N 080832 ZRQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ and C 080221 MMQ) were considered by the Borough President who issued a recommendation approving the application with conditions on July 10, 2008.

A summary of the Borough President's recommendation appears in the report on the related application for an amendment to the Zoning Resolution (N 080382 ZRQ).

### **City Planning Commission Public Hearing**

On July 23, 2008 (Calendar No. 11), the City Planning Commission scheduled August 13, 2008, for a public hearing on this application (C 080381 ZMQ). The hearing was duly held on August 13, 2008 (Calendar No. 11), in conjunction with the hearing on the related actions (N 080832 ZRQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ and C 080221 MMQ).

There were several speakers, as described in the report on the application for the amendment to the Zoning Resolution (N 080382 ZRQ), and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (N 080382 ZRQ), in conjunction with the application for the related actions (C 080831 ZMQ, N 080383 HGQ, C 080384 HUQ, C 080385 HDQ and C 080221 MMQ) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 08-015.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that the proposed amendment to the zoning map is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for an amendment to the Zoning Resolution (N 080382 ZRQ).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Generic Environmental Impact Statement (FGEIS), for which a Notice of Completion was issued on September 12, 2008 with respect to this application (CEQR No. 07DME014Q), prepared with respect to the further modifications adopted by the City Planning Commission herein, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FGEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 10a and 10b:

1. changing from an R3-2 District to a C4-4 District property bounded by Northern Boulevard, the westerly line of a westerly service entrance of Van Wyck Expressway Extension, the southeasterly street line of a service entrance, the southeasterly street line of Willets Point Boulevard, the northeasterly centerline prolongation of 34<sup>th</sup> Avenue, Willets Point Boulevard, and a southerly service exit of Northern Boulevard;
2. changing from an M3-1 District to a C4-4 District property bounded by Northern Boulevard, a southerly service exit of Northern Boulevard, Willets Point Boulevard, the northeasterly centerline prolongation of 34<sup>th</sup> Avenue, the southeasterly street line of Willets Point Boulevard, the southeasterly street line of a service entrance, the westerly boundary line of a park, a line 1280 feet northwesterly of Roosevelt Avenue, a line 540 feet northwesterly of a U.S. Pierhead and Bulkhead Line, Roosevelt Avenue, and 126<sup>th</sup> Street; and



3. establishing a Special Willets Point District (“WP”) bounded by Northern Boulevard, a westerly service entrance of Van Wyck Expressway Extension, the westerly boundary line of a park, a line 1280 feet northwesterly of Roosevelt Avenue, a line 540 feet northwesterly of a U.S. Pierhead and Bulkhead Line, Roosevelt Avenue, and 126<sup>th</sup> Street; Community District 7, Borough of Queens as shown on a diagram (for illustrative purposes only), dated April 21, 2008, and which includes CEQR designation E-214.

The above resolution (C 080381 ZMQ), duly adopted by the City Planning Commission on September 24, 2008 (Calendar No. 13), is filed with the Office of the Speaker, City Council and the Queens Borough President, pursuant to Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III,**  
**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, SHIRLEY A. MCRAE, JOHN MEROLO, Commissioners**

**KAREN A. PHILLIPS, Commissioner, Voting NO**

## *Attachment A: Proposed (E) Designations*

The list of the sites, blocks and lots affected by the (E) designations under the proposed actions is presented below in Table A-1 and Table A-2.

## Hazardous Materials and Air Quality

To avoid any potential impacts associated with hazardous materials and air quality as part of the proposed rezoning, an (E) designation for hazardous materials and air quality will be placed on all project site blocks and lots, as indicated in the Table A-1:

<b>Table A-1</b>	
<b>Hazardous Materials and Air Quality (E) Designations</b>	
<b>Blocks</b>	<b>Lots</b>
1820	1, 6, 9, 18, 34, 108
1821	1, 6, 16, 25, 27
1822	1, 5, 7, 17, 21, 23, 28, 33, 55, 58
1823	1, 3, 5, 7, 12, 14, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52, 55, 58, 59, 60
1824	1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53
1825	1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58
1826	1, 5, 14, 18, 20, 31, 35
1827	1
1828	1, 4, 8, 11, 13, 17, 21, 23, 29, 34, 37, 39
1829	19, 21, 40, 71
1830	1, 9, 10, 21
1831	1, 10, 35
1832	1, 10
1833	1 (partial)*, 103, 111, 117, 120, 141, 143, 151, 155, 158, 165, 166, 168, 170, 172, 177, 179, 180, 186, 188, 192, 197, 199, 201, 203, 212, 215, 230, 300, 425
<p><b>Note:</b> * Approximately 24,600 sf of block 1833, lot 1 (owned by the MTA) is included in the Willets Point Development District. The remaining approximately 429,000 sf of that lot, which extends along the Flushing River waterfront, is outside of the District.</p>	

## Noise

Based on a noise analysis, it was determined that to avoid any potential ambient noise impacts associated with the proposed rezoning, all project site blocks and lots would require (E) designations specifying certain noise attenuation requirements as indicated in Table A-2:

<b>Block</b>	<b>Lot</b>	<b>Governing Noise Site</b>	<b>Minimum Required Attenuation</b>
1820	1	4,5	37
1820	6	4	37
1820	9	6,4	30, 37 on North façade
1820	18	4	37
1820	34	6	30
1820	108	6,4	30, 37 on North façade
1821	1	4	37
1821	6	4	37
1821	16	6	30
1821	25	6	30
1821	27	6	30
1821	35	6	30
1822	1	5	37
1822	5	6	30
1822	7	6	30
1822	17	6	30
1822	21	6	30
1822	23	6	30
1822	28	6	30
1822	33	6	30
1822	55	6	30
1822	58	6	30
1823	1	5	37
1823	3	6	30
1823	5	6	30
1823	7	6	30
1823	12	6	30
1823	14	6	30
1823	19	6	30
1823	20	6	30
1823	21	6	30
1823	23	6	30
1823	26	6	30
1823	28	6	30
1823	33	6	30
1823	40	6	30
1823	44	6	30
1823	47	6	30
1823	52	6	30
1823	55	6	30
1823	58	6	30
1823	59	6	30
1823	60	5	37
1824	1	6,5	30, 37 on east façade
1824	12	6	30
1824	19	6	30
1824	21	6	30
1824	26	6	30

**Table A-2 (cont'd)  
Noise (E) Designations**

<b>Block</b>	<b>Lot</b>	<b>Governing Noise Site</b>	<b>Minimum Required Attenuation</b>
1824	28	6	30
1824	33	6	30
1824	38	6	30
1824	40	6	30
1824	45	6	30
1824	53	5	37
1825	1	5	37
1825	19	6	30
1825	21	6	30
1825	25	6	30
1825	28	6	30
1825	30	6	30
1825	37	6	30
1825	46	6	30
1825	48	6	30
1825	53	6	30
1825	55	6	30
1825	58	6	30
1826	1	5	37
1826	5	5	37
1826	14	6	30
1826	18	6	30
1826	20	7,6	37, 30 on north façade
1826	31	7	37
1826	35	7	37
1827	1	7	37
1828	1	4	37
1828	4	4	37
1828	8	4	37
1828	11	6	30
1828	13	6	30
1828	17	6	30
1828	21	6	30
1828	23	6	30
1828	29	6	30
1828	34	6	30
1828	37	6	30
1828	39	6	30
1829	19	6,4	30, 37 on North façade
1829	21	4	37
1829	40	6	30
1829	71	6	30
1830	9	6	30
1830	10	6	30
1830	21	6	30
1831	1	6	30
1831	10	6	30
1831	35	6	30
1832	1	6	30
1832	10	6	30
1833	103	7	37
1833	111	7	37
1833	117	7	37
1833	120	6	30
1833	141	6	30
1833	143	6	30
1833	151	6	30

**Table A-2 (cont'd)  
Noise (E) Designations**

<b>Block</b>	<b>Lot</b>	<b>Governing Noise Site</b>	<b>Minimum Required Attenuation</b>
1833	155	6	30
1833	158	6	30
1833	165	6	30
1833	166	6	30
1833	168	6	30
1833	170	6	30
1833	172	6	30
1833	177	6	30
1833	179	6	30
1833	180	6	30
1833	186	6	30
1833	188	6	30
1833	192	6	30
1833	197	6	30
1833	199	6	30
1833	201	6	30
1833	203	6	30
1833	212	6	30
1833	215	6	30
1833	230	6	30
1833	300	6	30
1833	425	6	30
1833	1	6,7	30, 37 on South façade
<b>Notes:</b> Attenuation values shown assume a residential use; commercial uses would require 5 dBA less attenuation.			