



CITY PLANNING COMMISSION

September 8, 2008 /Calendar No. 2

C 080429 ZMQ

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9b:

1. changing from an M1-3D District to an M1-2 District property bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue, and 24th Street;
2. changing from an M1-1 District to an M1-2/R5B District property bounded by 36th Avenue, 33rd Street, a line 200 feet southwesterly of 36th Avenue, a line midway between 32nd Street and 33rd Street, a line 150 feet northeasterly of 37th Avenue, and a line midway between 31st Street and 32nd Street;
3. changing from an M1-1 District to an M1-2/R6A District property bounded by a line 100 feet southwesterly of 36th Avenue, a line midway between 31st Street and 32nd Street, a line 150 feet northeasterly of 37th Avenue, a line midway between 32nd Street and 33rd Street, a line 200 feet southwesterly of 36th Avenue, 33rd Street, 37th Avenue, 29th Street, a line 460 feet southwesterly of 36th Avenue, and a line midway between 30th Street and 31st Street;
4. changing from an M1-3D District to an M1-2/R5B District property bounded by:
 - a. a line 100 feet southwesterly of 37th Avenue, 29th Street, a line 100 feet northeasterly of 38th Avenue, and a line 100 feet northwesterly of 27th Street;
 - b. a line 100 feet southwesterly of 38th Avenue, a line midway between 29th Street and 30th Street, a line 100 feet northeasterly of 39th Avenue, and a line midway between Crescent Street and 27th Street;
 - c. a line 100 feet southwesterly of 39th Avenue, a line midway between 24th Street and Crescent Street, a line 100 feet northeasterly of 40th Avenue, and 24th Street;
 - d. a line 100 feet southwesterly of 39th Avenue, a line 100 feet northwesterly of 29th Street, a line 100 feet northeasterly of 40th Avenue, and a line midway between 27th Street and Crescent Street;

- e. a line 100 feet southwesterly of 40th Avenue, a line midway between 24th Street and Crescent Street, a line 100 feet northeasterly of 41st Avenue, and 23rd Street; and
 - f. a line 100 feet southwesterly of 40th Avenue, 29th Street, a line 100 feet northeasterly of 41st Avenue, and a line midway between 27th Street and Crescent Street;
5. changing from an M1-3D District to an M1-2/R5D District property bounded by:
- a. a line 100 feet southwesterly of 37th Avenue, a line 100 feet northwesterly of 27th Street, a line 100 feet northeasterly of 38th Avenue, and a line 100 feet southeasterly of 24th Street; and
 - b. by a line 100 feet southwesterly of 38th Avenue, a line midway between Crescent Street and 27th Street, a line 100 feet northeasterly of 39th Avenue, a line midway between 29th Street and 30th Street, a line 100 feet southwesterly of 38th Avenue, a line midway between 30th Street and 31st Street, 39th Avenue, a line midway between 29th Street and 30th Street and its southwesterly prolongation, 40th Road, 29th Street, a line 100 feet southwesterly of 40th Avenue, a line midway between Crescent Street and 27th Street, a line 100 feet northeasterly of 41st Avenue, a line midway between Crescent Street and 24th Street, a line 100 feet southwesterly of 40th Avenue, 23rd Street, a line 100 feet northeasterly of 40th Avenue, and a line 100 feet southeasterly of 24th Street; and excluding the area bounded by a line 100 feet southwesterly of 39th Avenue, a line 100 feet northwesterly of 29th Street, a line 100 feet northeasterly of 40th Avenue, and a line midway between 27th Street and Crescent Street;
6. changing from an M1-3D District to an M1-2/R6A District property bounded by:
- a. 37th Avenue, 34th Street, a line 100 feet southwesterly of 38th Avenue, a line midway between 31st Street and 32nd Street, 39th Avenue, a line midway between 30th Street and 31st Street, a line 100 feet southwesterly of 38th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet northeasterly of 38th Avenue, 29th Street, a line 100 feet southwesterly of 37th Avenue, and 24th Street; and
 - b. a line 100 feet northeasterly of 41st Avenue, 29th Street, 41st Avenue, and 23rd Street;
7. changing from an M1-3D District to an M1-3/R7X District property bounded by 37th Avenue, the northerly centerline prolongation of Standard Lane, Northern Boulevard, 40th Road, a line midway between 29th Street and 30th Street and its southwesterly prolongation, 39th Avenue, a line midway between 31st Street and 32nd Street, a line 100 feet southwesterly of 38th Avenue, and 34th Street; and

8. establishing a Special Long Island City District (LIC) bounded by 36th Avenue, 33rd Street, 37th Avenue, the northerly centerline prolongation of Standard Lane, Northern Boulevard, 40th Road, 29th Street, 41st Avenue, 23rd Street, a line 100 feet northeasterly of 40th Avenue, 24th Street, a line 100 feet southwesterly of 39th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 37th Avenue, 24th Street, 37th Avenue, 29th Street, a line 460 feet southwesterly of 36th Avenue, a line midway between 30th Street and 31st Street, a line 100 feet southwesterly of 36th Avenue, and a line midway between 32nd Street and 33rd Street;

Borough of Queens Community District 1, as shown on a diagram (for illustrative purposes only) dated May 19, 2008, and subject to the conditions of CEQR Declaration E-218. Community District 1, Borough of Queens

The application for an amendment of the Zoning Map was filed by the Department of City Planning on May 12, 2008. The requested action, in conjunction with the related zoning text amendment, would facilitate the establishment of the Dutch Kills subdistrict within the Special Long Island City Mixed-Use District

RELATED ACTION

In addition to the an 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 application which is being considered concurrently with this application:

N 080428 ZRQ Amendment of the Zoning Resolution concerning Article IV, adding a Dutch Kills subdistrict to the Special Long Island City Mixed-Use District and modifying related regulations

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for an amendment of the Zoning Resolution (N 080428 ZRQ).

ENVIRONMENTAL REVIEW

This application (C 08042 ZMQ), in conjunction with the application for the related action (N 080428 ZRQ), was 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP021Q. The lead agency is the City Planning Commission. A summary of the environmental review, including the Final Environmental Impact Statement, appears in the report on the related application for an amendment of the Zoning Resolution (N 080428 ZRQ).

A more detailed discussion of the environmental issues and proposed mitigation measures is included in the report on the related application for an amendment of the Zoning Resolution (N 080428 ZRQ). A discussion of (E) designations, included as part of the zoning map amendment follows below.

(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 specific properties that could require remediation or other measures, should an owner want to demolish, excavate, or otherwise construct on his/her property. Under the proposed actions, as set forth in the FEIS, (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 FEIS and attached hereto as “Attachment A.”

Hazardous Materials

The FEIS has identified 40 projected development sites and 192 potential development sites distributed throughout the rezoning area. All projected and potential development sites could reasonably be expected to be affected by hazardous materials due to historical and/or contemporary land use. For these sites, the predominant source of potential contamination stems from automobile repair facilities. Other potential sources of contamination include machine shops and metal fabrication shops, petroleum storage tanks, dry cleaning establishments and printing shops. Consequently, the proposed project would include (E) designations for all projected and potential development sites. Such designation would eliminate the potential for significant adverse impacts from hazardous materials due to implementation of the proposed project.

Any site that has received an (E) designation for hazardous materials will require that the fee owner of the site conduct a testing and sampling protocol, and develop a remediation plan, where appropriate, to the satisfaction of the New York City Department of Environmental Protection (NYCDEP) before the issuance of a building permit by the

Department of Buildings (pursuant to Section 11-15 of the Zoning Resolution - Environmental Requirements). With the requirements of the (E) designation on development sites, there would be no impact from the potential presence of contaminated materials.

Air Quality

Air quality analyses for heating, ventilation, and air conditioning (HVAC) systems were performed for the EIS. To preclude the potential for significant adverse air quality impacts on other projected and potential developments from HVAC emissions, an (E) designation would be incorporated into the proposed rezoning for each of the affected sites.

Noise

The *CEQR Technical Manual* establishes building noise attenuation requirements, based on exterior (ambient) noise levels. These noise attenuation values are designed to achieve interior noise levels of 45 dBA or lower for residential buildings, based on exterior L₁₀₍₁₎ noise levels for the study area attenuation requirement are as follows: 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, are necessary; to achieve 35 dBA of building attenuation, double glazed windows with good sealing properties as well as alternate ventilation such as central air conditioning, are necessary; and to achieve 40 dBA of building attenuation, special design features that go beyond the normal double-glazed window and central air conditioning are necessary, which may include using specially designed windows (e.g., windows with small sizes,

windows with air gaps, windows with thicker glazing, etc.), and additional building insulation. To ensure that interior noise levels for future buildings meet the above requirements, an (E) designation would be placed on properties that require this noise attenuation.

UNIFORM LAND USE REVIEW

On May 19, 2008, this application (C 080429 ZMQ) was certified as complete by the Department of City Planning, and was duly referred to Community Board 1 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 application for a zoning text amendment, (N 080428 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 1 held a public hearing on June 17, 2008 on the application (C 080429 ZMQ) and the related application (N 080428 ZRQ) and on June 17, 2008 by a vote of 33 in favor with 0 against and 1 abstention adopted a resolution recommending approval of the applications with conditions. A summary of the Board's recommendation appears in the report on the related application for an amendment of the Zoning Resolution (N 080428 ZRQ)

Borough President Recommendation

The application (C 080429 ZMQ) was considered by the Queens Borough President, who issued a recommendation approving the application with conditions on July 15, 2008.

A summary of the Borough President's recommendation appears in the report on the related application for an amendment of the Zoning Resolution (N 080428 ZRQ).

City Planning Commission Public Hearing

On July 2, 2008 (Calendar No.10), the City Planning Commission scheduled July 23, 2008 for a public hearing on this application (C 080429 ZMQ). The hearing was duly held on July 23, 2008 (Calendar No. 35), in conjunction with the public hearing on the applications for the related action (N 080428 ZRQ). There were a number of speakers, as described in the report on the related application for an amendment of the Zoning Resolution (N 080428 ZRQ), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning map, is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application, with further modifications, appear in the report on the related application for an amendment to the Zoning Resolution (N 080428 ZRQ).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 29, 2008, with respect to this application (CEQR No. 08DCP021Q), 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 FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, 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, 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 the consideration and findings 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 No. 9b:

1. changing from an M1-3D District to an M1-2 District property bounded by a line 100 feet southwesterly of 37th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 39th Avenue, 24th Street, a line 100 feet northeasterly of 40th Avenue, 23rd Street, 39th Avenue, and 24th Street;

2. changing from an M1-1 District to an M1-2/R5B District property bounded by 36th Avenue, 33rd Street, a line 200 feet southwesterly of 36th Avenue, a line midway between 32nd Street and 33rd Street, a line 150 feet northeasterly of 37th Avenue, and a line midway between 31st Street and 32nd Street;
3. changing from an M1-1 District to an M1-2/R6A District property bounded by a line 100 feet southwesterly of 36th Avenue, a line midway between 31st Street and 32nd Street, a line 150 feet northeasterly of 37th Avenue, a line midway between 32nd Street and 33rd Street, a line 200 feet southwesterly of 36th Avenue, 33rd Street, 37th Avenue, 29th Street, a line 460 feet southwesterly of 36th Avenue, and a line midway between 30th Street and 31st Street;
4. changing from an M1-3D District to an M1-2/R5B District property bounded by:
 - a. a line 100 feet southwesterly of 37th Avenue, 29th Street, a line 100 feet northeasterly of 38th Avenue, and a line 100 feet northwesterly of 27th Street;
 - b. a line 100 feet southwesterly of 38th Avenue, a line midway between 29th Street and 30th Street, a line 100 feet northeasterly of 39th Avenue, and a line midway between Crescent Street and 27th Street;
 - c. a line 100 feet southwesterly of 39th Avenue, a line midway between 24th Street and Crescent Street, a line 100 feet northeasterly of 40th Avenue, and 24th Street;
 - d. a line 100 feet southwesterly of 39th Avenue, a line 100 feet northwesterly of 29th Street, a line 100 feet northeasterly of 40th Avenue, and a line midway between 27th Street and Crescent Street;
 - e. a line 100 feet southwesterly of 40th Avenue, a line midway between 24th Street and Crescent Street, a line 100 feet northeasterly of 41st Avenue, and 23rd Street; and
 - f. a line 100 feet southwesterly of 40th Avenue, 29th Street, a line 100 feet northeasterly of 41st Avenue, and a line midway between 27th Street and Crescent Street;
5. changing from an M1-3D District to an M1-2/R5D District property bounded by:
 - a. a line 100 feet southwesterly of 37th Avenue, a line 100 feet northwesterly of 27th Street, a line 100 feet northeasterly of 38th Avenue, and a line 100 feet southeasterly of 24th Street; and

- b. by a line 100 feet southwesterly of 38th Avenue, a line midway between Crescent Street and 27th Street, a line 100 feet northeasterly of 39th Avenue, a line midway between 29th Street and 30th Street, a line 100 feet southwesterly of 38th Avenue, a line midway between 30th Street and 31st Street, 39th Avenue, a line midway between 29th Street and 30th Street and its southwesterly prolongation, 40th Road, 29th Street, a line 100 feet southwesterly of 40th Avenue, a line midway between Crescent Street and 27th Street, a line 100 feet northeasterly of 41st Avenue, a line midway between Crescent Street and 24th Street, a line 100 feet southwesterly of 40th Avenue, 23rd Street, a line 100 feet northeasterly of 40th Avenue, and a line 100 feet southeasterly of 24th Street; and excluding the area bounded by a line 100 feet southwesterly of 39th Avenue, a line 100 feet northwesterly of 29th Street, a line 100 feet northeasterly of 40th Avenue, and a line midway between 27th Street and Crescent Street;
- 6. changing from an M1-3D District to an M1-2/R6A District property bounded by:
 - a. 37th Avenue, 34th Street, a line 100 feet southwesterly of 38th Avenue, a line midway between 31st Street and 32nd Street, 39th Avenue, a line midway between 30th Street and 31st Street, a line 100 feet southwesterly of 38th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet northeasterly of 38th Avenue, 29th Street, a line 100 feet southwesterly of 37th Avenue, and 24th Street; and
 - b. a line 100 feet northeasterly of 41st Avenue, 29th Street, 41st Avenue, and 23rd Street;
- 7. changing from an M1-3D District to an M1-3/R7X District property bounded by 37th Avenue, the northerly centerline prolongation of Standard Lane, Northern Boulevard, 40th Road, a line midway between 29th Street and 30th Street and its southwesterly prolongation, 39th Avenue, a line midway between 31st Street and 32nd Street, a line 100 feet southwesterly of 38th Avenue, and 34th Street; and
- 8. establishing a Special Long Island City District (LIC) bounded by 36th Avenue, 33rd Street, 37th Avenue, the northerly centerline prolongation of Standard Lane, Northern Boulevard, 40th Road, 29th Street, 41st Avenue, 23rd Street, a line 100 feet northeasterly of 40th Avenue, 24th Street, a line 100 feet southwesterly of 39th Avenue, a line 100 feet southeasterly of 24th Street, a line 100 feet southwesterly of 37th Avenue, 24th Street, 37th Avenue, 29th Street, a line 460 feet southwesterly of 36th Avenue, a line midway between 30th Street and 31st Street, a line 100 feet southwesterly of 36th Avenue, and a line midway between 32nd Street and 33rd Street;

Borough of Queens Community District 1, as shown on a diagram (for illustrative purposes only) dated May 19, 2008, and which includes CEQR Designation E-218.

The above resolution, duly adopted by the City Planning Commission on September 8, 2008 (Calendar No. 2), 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
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III, BETTY CHEN,
MARIA M. DEL TORO, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, JOHN MEROLO, KAREN A. PHILLIPS, Commissioners

**Attachment A – (E) Designation Lists
Dutch Kills Rezoning and Related Actions**

ULURP Nos. **080429 ZMQ, N 080428 ZRQ**

CEQR No. **08DCP021Q**

A. Hazardous Materials

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 all appropriate (i.e., not city-owned) projected and potential development sites:

Block	Lots
342	2
367	15, 17, 23, 27, 33, 38, 40, 42
368	1, 9, 10, 11, 15, 17, 18, 21, 22, 24, 26, 29, 34, 36
369	2, 3, 14, 15, 20, 22, 23, 24, 32, 33, 113, 119, 121, 211
370	3, 4, 6, 7, 12, 20, 26, 28, 29, 34, 35, 36
371	15, 17, 19, 23, 27, 29, 33, 34, 38
372	3, 4, 7, 21, 22, 23, 33, 35
373	1, 6, 45, 47
374	8, 12, 18, 20, 23, 33, 46, 47, 48, 49, 50, 51
375	1, 5, 18, 20, 24, 29, 30, 33
376	1
377	1, 5, 9, 13, 23, 40
378	1
379	1
380	5, 6, 7, 8, 9, 11, 13
381	5, 9, 11, 12, 16, 21, 26, 27
382	8, 11, 13, 14, 15, 17, 19, 21, 22, 24, 27, 29, 127
383	1, 2, 5, 9, 11, 12, 14, 16, 17, 19, 20, 22, 24, 26, 33
384	5, 6, 7, 8, 9, 11, 22, 28
385	1, 2, 3, 4, 5, 18, 21, 22, 32
386	3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 19, 20, 23, 25, 30, 31, 32
387	2, 4, 5, 6, 7, 8, 9, 17, 19, 24, 25, 28, 32
388	18, 19, 20
394	45, 46, 47, 48
395	1, 2, 3, 4, 5, 6, 17, 23, 26, 30, 31, 33, 35, 40, 126
396	18, 21, 22, 23, 24, 39

Block	Lots
397	1, 3, 4, 5, 7, 10, 11, 12, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 33, 35
398	1, 19, 22, 24, 27, 30, 31, 32, 34, 35, 38, 39
399	1, 3, 6, 7, 9, 13, 26, 31, 34
400	5
402	1, 16, 18, 28, 30, 32, 35
405	5, 6, 7, 9, 10, 13, 16, 17, 26, 29, 31, 32, 33, 34, 36, 37, 41
406	1, 2, 8, 9, 10, 11, 12, 24, 29, 38
407	5, 9, 10, 11, 13, 16, 17, 19, 21, 27, 29, 33, 34, 35, 36
408	1, 5, 9, 14, 16, 21, 23, 24, 25, 26, 28, 29, 31, 32, 33, 34, 35, 37, 38, 109
599	40, 41, 46, 48
600	1, 2, 3, 4, 5, 6, 7, 8, 12, 14, 16, 19, 20, 22, 23, 24, 25, 34, 39, 41, 43, 48, 49, 50, 111, 116, 148
601	17, 18, 19, 20, 25, 26, 27, 28, 29, 30

The E-designation would require that, prior to the New York City Department of Buildings (DOB) issuing permits associated with 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—Environmental Requirements). 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.

The text for the (E) designation will be 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.

B. Air Quality

Based on an HVAC analysis, it was determined that to avoid any potential air quality impacts associated with the proposed rezoning, certain sites would require (E) designations that would specify the type of fuel to be used or the distance that the vent stack on the building roof must be from the edge of a lot line.

The text of the (E) designations would be as follows:

Block	Lot(s)	Restriction
402	1,32,35	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
400	5	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 31st St when firing No. 2 oil, to avoid any potential significant air quality impacts.
407	27,29	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 40th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.

Block	Lot(s)	Restriction
398	1	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 75 feet from the lot line facing 29th St when firing No. 2 oil, and at least 30 feet from the lot line facing 29th St when firing natural gas, to avoid any potential significant air quality impacts.
398	19	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 30th St when firing No. 2 oil, to avoid any potential significant air quality impacts.
399	6,7,9	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 30th St when firing No. 2 oil, and at least 20 feet from the lot line facing 30th St when firing natural gas, to avoid any potential significant air quality impacts.
387	9,7,8	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 27th St when firing No. 2 oil, and at least 10 feet from the lot line facing 27th St when firing natural gas, to avoid any potential significant air quality impacts.
367	33	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 37th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
368	11	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot lines facing 37th Ave and 27th St when firing No. 2 oil, to avoid any potential significant air quality impacts.
370	3	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
370	26,28	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
600	34	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 31st St when firing No. 2 oil, to avoid any potential significant air quality impacts.

Block	Lot(s)	Restriction
399	13,26	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 39 Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
375	5,1	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 38 Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
380	9,8,7	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 40 feet from the lot line facing Northern Blvd when firing No. 2 oil, and at least 20 feet from the lot line facing Northern Blvd when firing natural gas, to avoid any potential significant air quality impacts.
398	39,38	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 28th St and 40th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
408	9,109	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 41st Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
369	121,22	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems.
369	119,20	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems.
373	1, 47	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems.
373	6, 45	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems.
407	9	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems.
600	50,49	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 36th Ave, 37th Ave and 31st St when firing No. 2 oil, to avoid any potential significant air quality impacts.

Block	Lot(s)	Restriction
601	26,25	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 33rd St when firing No. 2 oil, to avoid any potential significant air quality impacts.
384	7,8	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 30th St when firing No. 2 oil, to avoid any potential significant air quality impacts.
386	4,3	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 28th St when firing No. 2 oil, to avoid any potential significant air quality impacts.
386	20,19	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 27th St when firing No. 2 oil, to avoid any potential significant air quality impacts.
386	31,30	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
386	32	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
385	2,3	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 39th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
382	11,8	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 40 feet from the lot line facing 32nd St when firing No. 2 oil, and at least 20 feet from the lot line facing 32nd St when firing natural gas, to avoid any potential significant air quality impacts.
382	14,15,13	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 39th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.

Block	Lot(s)	Restriction
397	3,4	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 28th St and 40th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
397	11,12	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
397	17,18	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 27th St and 40th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
397	22,21	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
397	29,28	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 40th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
398	34,35	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems.
398	31,32	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems.
407	11,13	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing Crescent when firing No. 2 oil, to avoid any potential significant air quality impacts.
375	29,30	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
408	31,32	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 23rd St and 40th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.

Block	Lot(s)	Restriction
406	12,29	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 60 feet from the lot line facing 40th Ave when firing No. 2 oil, and at least 30 feet from the lot line facing 40th Ave when firing natural gas, to avoid any potential significant air quality impacts.
405	10,9	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 41st Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
601	19,20	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 33rd St when firing No. 2 oil, to avoid any potential significant air quality impacts.
408	38,37	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 41st Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
407	16,17	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing Crescent St when firing No. 2 oil, to avoid any potential significant air quality impacts.
398	30	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 39th Ave and 40th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
384	5,6	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 30th St when firing No. 2 oil, to avoid any potential significant air quality impacts.
383	33,1	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
381	11,12	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 39th Ave and at least 20 feet from the lot line facing 33rd St when firing No. 2 oil, to avoid any potential significant air quality impacts.

Block	Lot(s)	Restriction
368	9,10	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 27th St and 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
600	39,116	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 37th Ave and 31st St when firing No. 2 oil, to avoid any potential significant air quality impacts.
380	11	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems.
383	2	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 31st St when firing No. 2 oil, and at least 20 feet from the lot line facing 31st St when firing natural gas, to avoid any potential significant air quality impacts.
399	1,3	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 30th St when firing No. 2 oil, to avoid any potential significant air quality impacts.
383	5	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 31st St when firing No. 2 oil, to avoid any potential significant air quality impacts.
381	9	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 39th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
374	12	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 40 feet from the lot line facing 37th Ave when firing No. 2 oil, and at least 20 feet from the lot line facing 37th Ave when firing natural gas, to avoid any potential significant air quality impacts.
408	14	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 41st Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.

Block	Lot(s)	Restriction
382	17	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 39th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
382	19	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 39th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
407	19	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing Crescent St when firing No. 2 oil, to avoid any potential significant air quality impacts.
370	20	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 30 feet from the lot line facing 37th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
371	27	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
384	28	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located on the wider portion of the "L" shaped lot (i.e., fronting 30th Street).
368	29	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems.
405	29	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 40th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
374	33	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 40 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
408	35	Any new residential and/or commercial development must use either natural gas or No. 2 fuel oil as the type of fuel for HVAC systems, to avoid any potential significant air quality impacts.
384	9	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 30th St when firing No. 2 oil, to avoid any potential significant air quality impacts.

Block	Lot(s)	Restriction
408	16	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 40th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
384	11	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
375	24	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 40 feet from the lot line facing 37th Ave when firing No. 2 oil, and at least 20 feet from the lot line facing 37th Ave when firing natural gas, to avoid any potential significant air quality impacts.
386	7	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 38th Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
405	41	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 41st Ave when firing No. 2 oil, to avoid any potential significant air quality impacts.
601	17,18	Any new residential and/or commercial development must use No. 2 oil or natural gas as the type of fuel for HVAC systems, and ensure that the boiler stack(s) is located at least 20 feet from the lot line facing 33rd St when firing No. 2 oil, to avoid any potential significant air quality impacts.

C. Noise

Based on a noise analysis, it was determined that to avoid any potential ambient noise impacts associated with the proposed rezoning, certain sites would require (E) designations specifying certain noise attenuation requirements.

All of the development sites included in the proposed rezoning are within the Long Island City Special Mixed Use District. The zoning text for this district specifies that all residential uses will include at least 35 dBA of window/wall attenuation. In light of this fact, (E) designations are only necessary on those locations that will need more attenuation than is specified in this zoning text, i.e., 40 or 45 dBA.

The text for the (E) designation for sites requiring 40 dBA 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 40 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. To achieve 40 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. 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. The required degree of window/wall attenuation would require added project costs and could limit the range of design options. The Department of Environmental Protection has not made any determination that cost-effective attenuation measures are available for this site. Commercial uses must provide a closed window condition with a minimum of 35 dBA window/wall attenuation in order to maintain an interior noise level of 50 dBA.

The (E) designations for these sites affected by ambient noise are as follows:

Block	Lot	Proposed Zoning	Governing Noise Site	Minimum Required Building Attenuation
402	1	M1-3/R7X	10	40
	32	M1-3/R7X		
	35	M1-3/R7X		
400	5	M1-3/R7X	9/10	40
600	111	M1-2/R6A	9	40
	8	M1-2/R6A		
372	35	M1-2/R6A	9	40
	33	M1-2/R6A		
373	1	M1-2/R6A	9	40
373	6	M1-2/R6A	9	40
599	41	M1-2/R6A	9	40
	40	M1-2/R6A		

Block	Lot	Proposed Zoning	Governing Noise Site	Minimum Required Building Attenuation
600	5	M1-2/R6A	9	40
	6	M1-2/R6A		
	7	M1-2/R6A		
600	20	M1-2/R6A	9	40
	19	M1-2/R6A		
600	16	M1-2/R6A	9	40
600	14	M1-2/R6A	9	40
383	19	M1-2/R6A	9	40
	20	M1-2/R6A		
383	16	M1-2/R6A	9	40
	17	M1-2/R6A		
382	11	M1-2/R6A	9	40
	8	M1-2/R6A		
382	14	M1-2/R6A	9	40
	15	M1-2/R6A		
	13	M1-2/R6A		
383	24	M1-2/R6A	9	40
	26	M1-2/R6A		
600	22	M1-2/R6A	9	40
	23	M1-2/R6A		
600	24	M1-2/R6A	9	40
	25	M1-2/R6A		

Block	Lot	Proposed Zoning	Governing Noise Site	Minimum Required Building Attenuation
600	12	M1-2/R6A	9	40
383	14	M1-2/R6A	9	40
383	22	M1-2/R6A	9	40
372	23	M1-2/R6A	9	40
	21	M1-2/R6A		
	22	M1-2/R6A		
599	48	M1-2/R6A	9	40
	46	M1-2/R6A		

The above E-Designation lists are applicable to both the proposed actions and the 3.0 FAR Alternative for Light Industrial Uses as described in the August 29, 2008 Final Environmental Impact Statement (FEIS) for Dutch Kills Rezoning and Related Actions.