

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The proposed actions are a Zoning Text Amendment to include the Project Area (Queens Block 461, Lot 16) as a new Industrial Business Incentive Area and to make the provisions of ZR Section 74-96 applicable to M1-4 zoning districts; and a Zoning Special Permit pursuant to ZR Sections 74-96 to increase the maximum floor area ration for specific industrial, manufacturing, and commercial uses and to modify the off-street loading berth requirements of ZR Section 44-50 for the project area in the Long Island City neighborhood of Queens Community District 2. The proposed actions would facilitate the development of a mixed office, retail, and industrial building consisting of a two-story podium and 18-story office tower pursuant to a Special Permit with specific conditions and findings. The Long Island City IBZ is a historically industrial area currently experiencing a growth in non-industrial commercial uses including the new construction of space, and conversion of previously industrial space, to accommodate office, retail, and hotel uses. The proposed actions would provide newly-constructed industrial space which would reinforce the industrial character of the IBZ while also accommodating the demand for retail and office space in the area. While the proposed actions would result in a change in land use on the project area, the proposed actions would not introduce land uses incompatible with the surrounding area and are not expected to alter existing development patterns within the surrounding area. Therefore, the proposed actions would not result in a significant adverse impact to land use, zoning, and public policy.

Shadows

A detailed analysis related to shadows is included in this EAS as the proposed actions have the potential to result in shadows which would be cast on several sun-sensitive resources. Those identified resources include four publicly-accessible open space resources and one historic resource with sunlight-sensitive open space features: Queensbridge Park, the Queensbridge Park Greenway, Queensbridge Baby Park, the pedestrian and bicycle lanes of the Queensboro Bridge, and the NYCHA Queensbridge South – 10th Street Play Area (S/NR-Eligible). Additionally, part of the East River would also be cast in shadows. Based on a review of the duration and extent of incremental shadows coverage and the character of affected sunlight-sensitive resources the proposed actions would not have the potential to alter the usability of any sunlight-sensitive open space resource nor the viability of existing sunlight-sensitive natural resources. Therefore, the proposed actions would not result in significant adverse impacts related to shadows.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The proposed actions would result in the replacement of a two-story industrial building with a 20-story mixed use development consisting of a retail and industrial base and an office tower. The proposed actions include conditions related to the public realm including required minimum sidewalk widths, landscaped open spaces, and streetwall transparency. Retail space would also be provided on the ground floor to improve the connection to the streetscape and loading berth access would be sited so as to avoid pedestrian conflict. While the proposed actions would result in the introduction of a new high-rise building in the immediate proximity of a predominantly low-rise area, the larger surrounding area contains several mid-rise structures, and Long Island City to the east is densely developed with high-rise buildings. Based upon the existing mixed built context of the surrounding area and the public realm improvements proposed as part of the project, and further, as the proposed development would be constructed in the existing permitted M1-4 zoning envelope and height and setback relief is not proposed, no significant adverse impacts related to urban design would result due to the proposed actions. Additionally, given the height of the proposed development views of visual resources in the surrounding area would be affected, however, given the continued availability of such views with the proposed actions and the extent to which the proposed development would be consistent with the existing context of such views, the proposed actions would not result in significant adverse impacts related to visual resources.

Transportation

A detailed analysis related to transportation is included in this EAS, however, the proposed actions would not result in sufficient number of bus or subway trips to warrant a detailed transit analysis. The proposed actions would include project components related to the environment, consisting of minor signal timing improvements of less than three seconds at the intersection of Queens Plaza South and 21st Street and at 43rd Avenue and 11th Street. With the signal timing improvements in place, all intersection approaches would operate with service conditions similar to those without the proposed actions; the proposed actions would not result in any significant increase in vehicular delays and pedestrian elements in the study area would operate at acceptable service conditions during analyzed weekday peak hours. The proposed actions would result in a parking shortfall, however, given the project location and the availability of surrounding mass transportation, the shortfall is not a significant adverse impact. No intersections within the transportation study area were identified as high-crash locations warranting a vehicular and pedestrian safety analysis. Therefore, the proposed actions would not result in a significant adverse impact related to transportation.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-562) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

Project Name: 42-11 9th Street Special Permit

CEQR # 20DCP078Q

SEQRA Classification: Type I

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Diane M. McCarthy at 212-720-3417.

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 st Fl. New York, NY 10271 212.720.3493
NAME Olga Abinader	DATE 09/11/2020
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TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE 09/14/2020
SIGNATURE	

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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Queens	Block 461, Lot 16

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-562**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor 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 samples should be selected to adequately characterize the site, specific sources 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-Remediation Determination and Protocol

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 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.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

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Air Quality

The (E) designation requirements for air quality would apply as follows:

Projected Development Site 1: All industrial uses located on the Project Site shall apply for a NYC DEP Certificate to Operate if required. Uses which require a NYC DEP Certificate to Operate shall exhaust through a central exhaust stack location with a HEPA filter or other appropriate filtration system for PM2.5 with a minimum control efficiency of 90%. The central exhaust location stack must be located on the roof of the second floor podium at least 49 feet above grade and 9 feet above the second floor roof, 30 feet away from the lot line closest to 43rd Avenue, and 30 feet away from the lot line closest to 9th Street as per zoning site plan in Figure L-2. Prior to receipt of a temporary and/or final certificate of occupancy for the building areas targeted for industrial uses, in addition to the submission of an Air Quality Installation Report, a Site Management Plan shall be submitted to OER and included in a declaration of covenants and restrictions, recorded against the subject property, governing ongoing site management requirements. The Site Management Plan shall set forth a minimum exhaust flow rate and maximum emission rates for PM2.5 and NOx, consistent with those presented in Table L-14 in Attachment L: "Air Quality" of the EAS, from the above-referenced central exhaust system and shall require annual reporting to OER on PM2.5 filtration system maintenance and compliance with such rates. Operable windows and air intakes shall not be located along the building western façade closest to the 9th Street lot line between the ground level and a height of 95 feet, within 109 feet of the southernmost roof line of the first floor closest to the 43rd Avenue lot line. Operable windows and air intakes shall also not be located along the entire southern façade closest to the 43rd Avenue lot line from the ground level to a height of 80 feet. Tenant access shall not be provided and shall be prohibited on recreational space provided on any second floor roof terrace on the western side of the building within 35 feet of the westernmost roof line of the second floor and within 109 feet of the southernmost roof line of the second floor facing the lot line closest to 43rd Avenue.

Noise

The (E) designation requirements for noise would apply as follows:

Projected Development Site 1: To ensure an acceptable interior noise environment, future commercial office uses must provide a closed-window condition with a minimum building façade attenuation as shown in Table M-4 in order to maintain an interior noise level not greater than 50 dBA for commercial office uses. 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, air conditioning.