

**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 (DCP) acting on behalf of the City Planning Commission (CPC) 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 CPC 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 Applicant, 7801 Queens Holding LLC, is seeking a zoning map amendment to change the existing M1-1 district mapped on Block 1537, Lots 1, 4, 19, and 22, and Block 1538, portions of Lots 1, 4, 7, 10, and 16 (the "Proposed Rezoning Area") to an R7X/C2-4 district; and a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish the Proposed Rezoning Area as a Mandatory Inclusionary Housing (MIH) area (collectively, the "Proposed Actions"). The Proposed Actions would facilitate construction of a 356,169-gsf, 145-foot-tall, mixed residential and commercial ("mixed-use") building with 13-stories above grade and a single below-grade cellar level at 78-01 Queens Boulevard (Block 1537, Lots 4, 19, and 22; "Projected Development Site 1") in the Elmhurst neighborhood of Queens Community District 4. The proposed mixed-use building would include 305,297 gsf of residential uses consisting of 314 dwelling units (DUs), of which approximately 63-95 units (20-30%) would be designated as permanently affordable pursuant to the City's MIH program at an average of 40-80% AMI depending on the MIH Option selected; 10,023 gsf of local retail uses; as well as a 40,849 gsf, below-grade parking garage with up to 160 accessory parking spaces. The Proposed Actions could also facilitate the redevelopment of two non-Applicant-owned sites: Block 1537, Lot 1 ("Projected Development Site 2"); and Block 1538, Lots 7 and 10 ("Projected Development Site 3"). Therefore, the Reasonable Worst-Case Development Scenario (RWCDs) evaluated in the EAS assumes a total of 514,091 gsf of mixed-use development comprising 429,989 gsf of residential use (505 DUs, of which 102-152 units [20-30%] would be affordable pursuant to MIH) 19,023 gsf of commercial (local retail), and 65,079 gsf of parking use (up to 170 accessory parking spaces). Non-Applicant-owned Lot 1 on Block 1538 is less likely to be developed as a result of the Proposed Actions and is therefore considered a potential site ("Potential Development Site 1"). Compared to the No-Action scenario, which assumes a continuation of existing conditions, the With-Action scenario would introduce residential and commercial uses as well as greater density in the Proposed Rezoning Area that would be consistent with surrounding land uses. The Proposed Actions would not directly displace any land uses so as to adversely affect surrounding land uses, nor would the Proposed Actions generate land uses that would be incompatible with land use or zoning within the secondary study area (i.e., within 400 feet of the Proposed Rezoning Area). The Proposed Actions would not alter development trends or patterns in the secondary study area, or cause a substantial number of existing structures to become nonconforming. In addition, the Proposed Actions would be supportive of several goals established in relevant public policies, including *Housing New York 2.0*, and *Rebuild, Renew, Reinvent: A Blueprint for NYC's Economic Recovery*. The proposed zoning map and text amendments would align with the City's objective to encourage denser development in areas served by public transit and facilitate the development of permanently affordable housing. Therefore, the assessment concludes that the Proposed Actions would not result in significant adverse impacts related to land use, zoning or public policy.

**Open Space**

A detailed analysis related to indirect residential effects on open space is included in the EAS. The analysis demonstrates that the study area's total open space ratio (OSR) would decrease by 1.59% under the With-Action scenario, from 0.272 under the No-Action scenario to 0.267 under the With-Action scenario; while the With-Action active and passive OSRs would decrease by 1.65% and 1.51%, respectively, compared to the No-Action. Based on the study area's total OSR of 0.267 acres per 1,000 residents, the impact threshold is a 1% decrease; based on the 0.158 active OSR, the threshold is a 1% percent decrease; and based on the 0.110 passive OSR, the threshold is two percent decrease. In addition, the Applicant has committed to providing 0.13-acres of privately-owned, publicly accessible open space with active and passive amenities on Projected Development Site 1, which will be implemented as a Project Component Relating to the Environment (PCRE) and codified in a Restrictive Declaration (RD). Because the Proposed Actions would exceed the impact thresholds provided in the *CEQR Technical Manual*, other qualitative assessment measures were considered to determine the overall significance of the impact. The analysis concluded that the proposed 0.13 acres of publicly-accessible open space at Projected Development Site 1, combined with several other factors—such as proximity to major regional parks, private open spaces that would be included at the projected development sites for use by future residents, and high number of existing private yards for use of existing residents—would help to ameliorate the open space shortfall in the future With-Action scenario. In addition, the Proposed Actions would not have a direct effect on any study area open space resources (e.g., due to increased shadows, noise, or air pollutant emissions) that may alter the usability of such resources. Therefore, the analysis concludes that the Proposed Actions would not result in a significant adverse impact related to open space.

**Urban Design and Visual Resources**

A detailed analysis related to urban design and visual resources space is included in this EAS, as the Proposed Actions could result in the development of several multiple-story buildings, and as such, have the potential to affect a pedestrian's experience of public space. The RWCDs assumes that the Proposed Actions would facilitate the construction of four new mixed-use buildings ranging in height from nine- (100-feet-tall) to 13-stories (145-feet-tall) above grade. The buildings would be constructed on four development sites on the southern portions of the primary study area and would not block any view corridors nor visual resources. The With-Action development would provide a continuous street wall along perimeter street frontages and would be taller and more prominent, but would add to the variety of, development in the surrounding area. With-Action development would also be consistent with recent development in the secondary study area that has introduced greater height and density, as well as new residential and/or community facility and local retail uses. With-Action development would also be contextually similar to the surrounding built environment, specifically along Queens Boulevard directly south of the primary study area, and at the eastern edge of the secondary study area. An illustrative comparison of the No-Action and With-Action scenarios demonstrates that while the increased scale, both in terms of bulk and height, would be a notable change in the pedestrian's perspective of the appearance and character of the primary study area, it would not result in a significant adverse impact on urban design characteristics of the area because the proposed increases both height and density would be moderate and well-suited along a major wide thoroughfare like Queens Boulevard. In addition, existing curb cuts would be removed, and publicly-accessible open space would be added under the With-Action scenario, which would increase the area's walkability and improve the pedestrian environment. Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to urban design or visual resources.

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**CEQR # 25DCP002Q**  
**SEQRA Classification: Unlisted**

**Transportation**

A detailed analysis related to vehicular traffic is included in this EAS, because the Proposed Actions would result in more than 50 AM peak-hour vehicle trip-ends at a single intersection: Queens Boulevard and Albion Avenue. To better accommodate the vehicle demand generated by the With-Action development and the nearby No-Action development projects, the Applicant is proposing a signal timing change that involves transferring one second of green time from the east/west direction (Queens Boulevard) to the north/south direction (Albion Avenue) during the AM period which will be implemented as a PCRE. With the implementation of this measure, the level-of-service (LOS) analysis results find that the Proposed Actions would not result in any significant adverse traffic impacts. Based on the results of trip generation and trip assignment screening analyses, the Proposed Actions would not result in 200 or more pedestrian trips on any one pedestrian element in the surrounding area, 200 or more incremental subway trips (on a single subway line or station), or 50 bus trip ends on a bus route per direction. Accordingly, the Proposed Actions would not cause adverse transit or pedestrian impacts. Additionally, no shortfall related to parking were identified as a result of the Proposed Actions. Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to transportation.

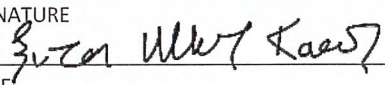
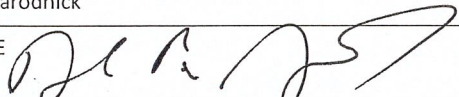
**Construction**

A detailed analysis related construction is included in this EAS, as construction of Projected Development Site 1 would occur over a 29-month period which is considered long-term (i.e., greater than 24 months) according to *CEQR Technical Manual* guidance. The Proposed Project would not result in significant adverse construction impacts in the key technical areas of transportation, air quality, or noise. Construction of Projected Development Site 1 would adhere to existing applicable laws, regulations, and building codes including those that focus on dust control, vehicle idling, clean fuel, and diesel-powered equipment. In addition, to preclude the potential for significant air quality impacts during construction, two PCREs will be implemented regarding the utilization of newer equipment and the use of best available tailpipe reductions technologies, as described in the construction analysis. Construction of Projected Development Site 1 would adhere to existing construction noise regulations and the implementation of Construction Noise Mitigation Plan as required by the NYC Noise Code. In addition, to preclude the potential for significant noise impacts during construction, a noise source control would be implemented as a PCRE that would require the installation piles via drilling rather than impact driving. Therefore, the analysis concludes that the Proposed Actions would not result in significant adverse impacts related to construction.

**Hazardous Materials, Air Quality, and Noise**

An (E) designation (E-828) 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.

*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 Stacey Barron, AICP at sbarron@planning.nyc.gov.*

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Determination of Significance Appendix

The Proposed Actions were determined to have the potential to result in changes to development on the following sites:

Development Site	Borough	Block and Lot
Projected Development Site 1	Queens	Block 1537, Lot 4, 19, and 22
Projected Development Site 2	Queens	Block 1537, Lot 1
Projected Development Site 3	Queens	Block 1538, Lots 7 and 10
Potential Development Site 1	Queens	Block 1538, Lot 1

(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-828**) would be established as part of approval of the Proposed Actions on **Projected Development Sites 1 through 3, and Potential Development Site 1**, as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Projected Development Site 2	X	X	X
Projected Development Site 3	X	X	X
Potential Development Site 1	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1 through 3, and Potential 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.*

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*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.*

**Air Quality**

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

**Projected Development Site 1 (Block 1537, Lot 4, 19, and 22) :** Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 148 feet above grade to avoid any potential significant adverse air quality impacts.

**Projected Development Site 2 (Block 1537, Lot 1):** Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for the hot water equipment and must be fitted with low NOx (30 ppm) burners, ensure that the hot water equipment stack is located at the building's highest level and at a minimum of 103 feet above grade, and that the stack is located at least 25 feet from the northern and western lot line of Block 1537, Lot 1 to avoid any potential significant adverse air quality impacts. Any new residential or commercial development on the above-referenced property must use grid-electric power for the heating, ventilating, and air conditioning (HVAC) system.

**Projected Development Site 3 (Block 1538, Lots 7 and 10):** Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and must be fitted with low NOx (30 ppm) burners, ensure that the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 113 feet above grade, and that the stack is located at least 40 feet from the eastern lot line of Block 1538, Lot 7 to avoid any potential significant adverse air quality impacts.

**Potential Development Site 1 (Block 1538, Lot 1):** Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 123 feet above grade to avoid any potential significant adverse air quality impacts.

**Noise**

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

**Projected Development Site 1 (Block 1537, Lot 4, 19, and 22) :** To ensure an acceptable interior noise environment, future residential and/or commercial uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades facing Albion Avenue and all facades facing Queens Boulevard and on the eastern facade facing Barnwell Avenue within 50 feet of Queens Boulevard, and 31 dBA window/wall attenuation on the remaining eastern facade facing Barnwell Avenue to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office use as illustrated in the EAS. To maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but is not limited to, air conditioning.

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***Projected Development Site 2 (Block 1537, Lot 1):*** To ensure an acceptable interior noise environment, future residential uses and/or commercial must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades facing Queens Boulevard, and on the eastern facade facing Barnwell Avenue and on the western facade facing Albion Avenue within 50 feet of Queens Boulevard, and 31 dBA window/wall attenuation on the remaining eastern facade facing Barnwell Avenue to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office use as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but is not limited to, air conditioning.

***Projected Development Site 3 (Block 1538, Lots 7 and 10):*** To ensure an acceptable interior noise environment, future residential uses and/or commercial must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades facing Queens Boulevard and on the western and eastern facades facing Barnwell Avenue or Cornish Avenue within 50 feet of Queens Boulevard, and 31 dBA window/wall attenuation on the remaining western facade facing Barnwell Avenue to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office use as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but is not limited to, air conditioning.

***Potential Development Site 1 (Block 1538, Lot 1):*** To ensure an acceptable interior noise environment, future residential uses and/or commercial must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades facing Queens Boulevard and on the western and eastern facades facing Barnwell Avenue or Cornish Avenue within 50 feet of Queens Boulevard to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office use as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but is not limited to, air conditioning.