DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

December 16, 2019

Ross Moskowitz
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, NY 10038

Re: Special Flushing Waterfront District
CEQR No. 20DCP083Q
ULURP Nos. 200033 ZMQ, N 200034 ZRQ
Queens, Community District QN07

Dear Mr. Moskowitz,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission had determined that the proposed actions will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 20DCP083Q, Special Flushing Waterfront District, including supporting statements for the finding that the proposed actions will not have a significant effect. The Negative Declaration was issued on 12/16/2019.

Sincerely,

Olga Abinader

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, City Council
Melinda Katz, Queens Borough President
Queens Community District QN07

Olga Abinader, *Director*
Stephanie Shellooe, AICP, *Deputy Director*
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NEGATIVE DECLARATION (Use of this form is optional)

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 project. 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 project 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 have no significant effect on the quality of the environment. Reasons supporting this determination are noted below.

Air Quality, Noise, and Hazardous Materials

An (E) designation (E-557) for air quality, noise, and hazardous materials has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of the sites affected by the proposed (E) designation and applicable (E) designation requirements. With these measures in place, the proposed actions would not result in significant adverse impacts to air quality, noise, or hazardous materials.

Land Use, Zoning, and Public Policy

The EAS includes a detailed analysis of the proposed actions on Land Use, Zoning, and Public Policy and determined that no significant adverse impacts would occur. The proposed actions, which include a Zoning Text Amendment and Zoning Map Amendment to establish a new Special Purpose District coterminous with the project area, would facilitate the development of nine new mixed-use buildings on four sites along the Flushing waterfront in Queens, Community District 7. The proposed project intends to create opportunities for the creation of affordable housing and encourage walkability and connectivity between Downtown Flushing and the Flushing Creek waterfront. While the proposed actions would result in modest land use changes to the project area when compared to what could be developed in the No-Action Condition, development in the With-Action Condition would be consistent with current development trends in the study area and other planned development projects. The proposed modifications to existing zoning would facilitate the development of the proposed project, which would be consistent with the City's land use, zoning, and public policy objectives for the study area. The proposed actions would therefore not result in a significant adverse impact on land use, zoning, or public policy and no further assessment is warranted.

Shadows

The EAS includes a detailed shadows analysis, which focuses on incremental shadows cast on Flushing Creek. The *CEQR Technical Manual* (CEQR TM) states that a significant adverse shadow impact could occur on a sunlight sensitive resource if that resource would receive less than four to six hours of direct sunlight per day during the growing season. The CEQR TM also states that the features of a natural resource indicate its sensitivity to shadows. The detailed analysis shows that the incremental shadow would increase shadow duration on the high marsh and intertidal marsh areas over the No-Action condition by a few minutes on each analysis day; however, no area of Flushing Creek would be permanently shaded such that it would affect aquatic biota or vegetation. As such, the proposed actions would not result in a significant adverse shadows impact to Flushing Creek, and no further analysis is warranted.

Historic and Cultural Resources

The EAS includes an analysis of historic and cultural resources.

Architectural Resources The proposed actions would not result in any type of visual or contextual impacts to the known historic resource within the study area, which represent the thresholds of impact significance in the CEQR TM. Based on correspondence with NYC Landmarks Preservation Commission (LPC) and NYS Historic Preservation Office (SHPO), there is one S/NR-eligible building within the study area, which contains a U-Haul storage building, that would not be directly affected by the proposed actions. The new commercial building on Potential Development Site B, located north of the existing U-Haul storage building, would not affect the characteristics that make the U-Haul building eligible under S/NR criteria. Based on the assessment presented, the proposed actions do not have the potential to result in significant adverse impacts to architectural resources, and no further assessment is warranted.

Archaeological Resources The CEQR TM states that if any potential significant archaeological resources were identified on the site of the proposed project, and the project may disturb or destroy those resources in any way, a significant adverse impact would occur. LPC has determined that the project area has no archeological sensitivity. As such, no significant adverse impacts related to archaeological resources would occur.

Urban Design and Visual Resources
The EAS includes a detailed urban design and visual resources analysis. The CEQR TM states that determining impact significance requires consideration of the degree to which a project would result in a change to the built environment's arrangement, appearance, or functionality and whether the change would negatively affect a pedestrian's experience of the area. The proposed actions would result in waterfront open space and circulation improvements over the No-Action Condition. The proposed actions would modify permissible building bulk to accommodate these improvements; however, the incremental change between the With-Action and No-Action building form would be minimal, and the public realm – the private street network, open space, the shore public walkway, building articulation requirements, and connections across College Point Boulevard to downtown Flushing – would encourage walkability and connectivity. Accordingly, the proposed actions would not result in a significant adverse urban design and visual resource impact, and no further assessment is warranted.

Water and Sewer Infrastructure
The EAS includes a preliminary assessment of water and sewer infrastructure. The project area is within a direct drainage area, where all stormwater runoff would be discharged directly into Flushing Creek using internal drains and privately-owned outfalls. Compared to existing conditions, it is anticipated that development in the With-Action Condition would generate a net increase in stormwater volumes discharged into Flushing Creek during rainfall events ranging between approximately 0.02 and 0.14 mg. The incorporation of best management practices, enforced through a restrictive declaration, to improve water quality of the stormwater runoff would further limit the impact from the proposed actions. As a result, the proposed actions are not anticipated to result in any potentially significant adverse impacts on New York City's stormwater infrastructure or treatment facilities.

Solid Waste and Sanitation Services
The EAS includes a detailed analysis of solid waste and sanitation services. According to the CEQR TM, a solid waste and sanitation services assessment is intended to determine whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan (SWMP). Based on the average DSNY truck capacity of approximately 12.5 tons, the proposed actions would produce an increment of less than one DSNY truckload of solid waste per week. The additional solid waste resulting from the proposed actions would represent a 0.005 percent increase of the City's anticipated DSNY-managed waste generation per week in 2025, and a 0.003 percent decrease of the solid waste handled by private commercial carters per week in 2025. As such, the proposed actions would be consistent with the goals of the SWMP, and therefore the proposed actions would not result in a significant adverse impact on solid waste and sanitation services and no further analysis is warranted.

Transportation
The EAS includes a detailed transportation analysis. The proposed actions would implement, through a restrictive declaration, Project Components Related to the Environment (PCREs) in the Future With-Action Condition to accommodate project-generated traffic and pedestrian volumes in the study area. With the PCREs in place, based on the results of detailed traffic, pedestrian, and vehicular and pedestrian safety analyses, the proposed actions would not adversely affect the transportation conditions in the study area. In addition, prior to the implementation of PCREs, a Transportation Monitoring Plan will be completed in consultation with NYCDOT to allow for any potential revisions to the PCREs as well as their implementation schedule.

Construction
The EAS includes a detailed analysis of construction air quality. The CEQR TM states that construction impacts on air quality may result from particulate matter emitted by construction activities, exhaust and emissions from construction equipment, increased truck traffic to and from the construction site, or temporary road closings. The detailed analysis of construction air quality, as well as the construction noise analysis, incorporated use of certain equipment plus a number of best management practices as part of the analyses. The restrictive declaration that

will be imposed upon the applicant will specify these practices as PCREs. In addition, the restrictive declaration will require the appointment of an independent environmental monitor to ensure that these and other construction-related PCREs are implemented during the development of the applicant's proposed project. With the incorporation of these measures, the proposed actions would not result in significant adverse impacts related to construction activities.

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 McCarthy at (212) 720-3417.

TITLE Director, Environmental Assessment and Review Division	**LEAD AGENCY** Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | (212) 720-3493
NAME Olga Abinader	**DATE** December 13, 2019
SIGNATURE Olga Abinader	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	**DATE** December 16, 2019
SIGNATURE M Lago	

Project Name: Special Flushing Waterfront District
CEQR #: 20DCP083Q
SEQRA Classification: Type I

Determination of Significance Appendix: (E) Designation (E-557)

Hazardous Materials

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-557) will be placed on the project site as follows:

Block 4963, Lots 7, 8, 9, 65, 75, 85, 200, 212, 249:
(Projected Development Sites 1, 2, 3, 4 and Potential Development Sites A and B)

Task 1 - Sampling Protocol

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

Task 2 - 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 the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed. An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

Air Quality

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-557) will be placed on the project site as follows:

Block 4963, Lot 7 (Projected Development Site 1W):
Any new residential and/or commercial development on Block 4963, Site 1, Lot 7 must exclusively use natural gas as the type of fuel and boilers equipped with low NOx burners (30 ppm) for HVAC systems, have no air intakes in the bulkheads, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 239.2 feet above mean sea level (0.0 NAVD88) and at least 156 feet away from the East line of Lot 7 (measured parallel to the North line of Lot 7) to avoid any potential significant air quality impacts.

Block 4963, Lot 8 (Projected Development Site 1E South):
Any new residential and/or commercial development on Block 4963, Site 1, Lot 8 must exclusively use natural gas as the type of fuel and boilers equipped with low-NOx burners (30 ppm) for HVAC systems, have no air intakes in the bulkheads, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 210 feet above mean sea level (0.0 NAVD88) to avoid any potential significant air quality impacts.

Block 4963, Lot 9 (Projected Development Site 1E North):
Any new residential and/or commercial development on Block 4963, Site 1, Lot 9 must exclusively use natural gas as the type of fuel and boilers equipped with low-NOx burners (30 ppm) for HVAC systems, have no air intakes in the bulkheads, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 229.3 feet above mean sea level (0.0 NAVD88), to avoid any potential significant air quality impacts.

Block 4963, Lot 65 (Projected Development Site 2W):
Any new residential and/or commercial development on Block 4963, Site 2W must exclusively use natural gas as the type of fuel and boilers equipped with low-NOx burners (30 ppm) for HVAC systems, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 245 feet above mean sea level (0.0 NAVD88), at least 490 feet away from the East line of Lot 65, at least 276 feet away from the North line of Lot 65 (measured parallel to the West line of Lot 65), to avoid any potential significant air quality impacts. Additionally, Site 2W must have no air intakes in the bulkheads, no air intakes above 235 feet on the north edge of the South Tower, and no air intakes above 234 feet within 30 feet of the stack.

Block 4963, Lot 65 (Projected Development Site 2E):
Any new residential and/or commercial development on Block 4963, Site 2E must exclusively use natural gas as the type of fuel and boilers equipped with low NOx burners (30 ppm) for HVAC systems, have no operable windows and air intakes above 232.5 feet, have no air intakes in the bulkheads, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 245 feet above mean sea level (0.0 NAVD88), and at most 75 feet away from the East line of Lot 65, to avoid any potential significant air quality impacts.

Block 4963, Lot 85 (Projected Development Site 3W South):
Any new residential and/or commercial development on Block 4963, the 147 foot tier of Site 3W, must exclusively use natural gas as the type of fuel and boilers equipped with low NO_x burners (30 ppm) for HVAC systems, have no air intakes in the bulkheads, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 162 feet above mean sea level (0.0 NAVD88) and at least 377 feet away from the East line of Lot 85 and 44 feet away from the South line of Lot 85 (measured perpendicular to the line), to avoid any potential significant air quality impacts.

Block 4963, Lot 85 (Projected Development Site 3W North):
Any new residential and/or commercial development on Block 4963, the 237 foot tier of Site 3W, must exclusively use natural gas as the type of fuel and boilers equipped with low NOx burners (30 ppm) for HVAC systems, have no operable windows and air intakes above 235 feet, have no air intakes in the bulkheads, and ensure that the heating, ventilating and air conditioning stack(s) is located 245 feet above mean sea level (0.0 NAVD88), and at least 271 feet away from the South line of Lot 85, to avoid any potential significant air quality impacts.

Block 4963, Lot 85 (Projected Development Site 3E):
Any new residential and/or commercial development on Block 4963, the 237 foot tier of Site 3E, must exclusively use natural gas as the type of fuel and boilers equipped with low NO_x burners (30 ppm) for HVAC systems, have no air intakes in the bulkheads, and ensure that the heating, ventilating and air conditioning stack(s) is located at least 245 feet above mean sea level (0.0 NAVD88), and 143' away from the East line of Lot 85 to avoid any potential significant air quality impacts.

Block 4963, Lot 200 (Potential Development Site B):
Any new residential and/or commercial development on Block 4963, Lot 200 must exclusively use natural gas as the type of fuel and ensure that the heating, ventilating and air conditioning stack(s) is located at least 165 feet above mean sea level (0.0 NAVD88) to avoid any potential significant air quality impacts.

Noise

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-557) will be placed on the project site as follows:

Block 4963, Lots 7/8/9 (Development Site 1W):
To ensure an acceptable interior noise environment, future residential/commercial/community facility uses must provide a closed-window condition with a minimum of 40 dBA window/wall attenuation on facades facing Roosevelt Avenue and 38 dBA of attenuation on portions of facades facing the eastern lot line within 50 feet of Roosevelt Avenue and 31 dBA of attenuation on all other facades to maintain an interior noise level not greater than 45 dBA for residential, hotel, and community facility uses or 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.

Block 4963, Lots 7/8/9 (Development Site 1E):
To ensure an acceptable interior noise environment, future residential/commercial/community facility uses must provide a closed-window condition with a minimum of 38 dBA window/wall attenuation on all facades facing Roosevelt Avenue or portions of façades facing Janet Place or western lot line within 50 feet of Roosevelt Avenue and 31 dBA of attenuation on all other facades to maintain an interior noise level not greater than 45 dBA for residential, hotel, and community facility uses or 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.

Block 4963, Lot 65 (Development Site 2W):
To ensure an acceptable interior noise environment, future residential/commercial/community facility uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all facades facing the eastern lot line or portions of façade facing the northern lot line beyond 180 feet from the northwest corner of the zoning lot and 31 dBA of attenuation on all other facades to maintain an interior noise level not greater than 45 dBA for residential, hotel, and community facility uses or 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.

Block 4963, Lot 65 (Development Site 2E):
To ensure an acceptable interior noise environment, future residential/commercial/community facility uses must provide a closed-window condition with a minimum of 35 dBA of attenuation on facades facing the northern lot line or eastern lot line or western lot line and 31 dBA of attenuation on façade facing the southern lot line to maintain an interior noise level not greater than 45 dBA for residential, hotel, community facility uses or 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.

Block 4963, Lot 75 (Development Site A):
To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential and hotel uses or 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.

Block 4963, Lot 85 (Development Site 3W):
To ensure an acceptable interior noise environment, future residential/commercial/community facility uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all facades facing the eastern lot line or portions of facade facing the northern lot line beyond 145 feet from the northwest corner of the zoning lot or portions of façade facing the southern lot line beyond 180 feet of the southwest corner of the zoning lot and 31 dBA of attenuation on all other facades to maintain an interior noise level not greater than 45 dBA for residential, hotel, community facility uses or 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.

Block 4963, Lot 85 (Development Site 3E):
To ensure an acceptable interior noise environment, future residential/commercial/community facility uses must provide a closed-window condition with a minimum of 35 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential, hotel, and community facility uses or 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.

Block 4963, Lot 200 (Development Site B):
To ensure an acceptable interior noise environment, future commercial office uses must provide a closed-window condition with a minimum of 32 dBA window/wall attenuation on façade facing College Point Boulevard and 30 dBA of attenuation on all other façades 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.

Block 4963, Lots 212 and 249 (Development Site 4):
To ensure an acceptable interior noise environment, future residential/commercial office/community facility uses must provide a closed-window condition with a minimum of 39 dBA window/wall attenuation on all facades facing College Point Boulevard or portions of façade facing the northern lot line within 100 feet of College Point Boulevard and 35 dBA of attenuation on all façades facing the western lot line or portions of façade facing the northern lot line beyond 100 feet from College Point Boulevard and 33 dBA of attenuation on façade facing the southern lot line to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial office use. 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.